



State of Louisiana

BOBBY JINDAL
GOVERNOR

July 21, 2010

Pete Serio
Chief, Regulatory Branch
Operations Division
U.S. Army Corps of Engineers
P.O. Box 60267
New Orleans, Louisiana 70160-0267

Dear Mr. Serio:

I hereby request emergency authorization to create marsh barriers in Blind and Customhouse Bays (north and south of Pass A Loutre) using sediment hydraulically dredged from Pass A Loutre. The purpose of this project is to increase flow down Pass A Loutre in order to provide a "head" of freshwater to combat wind/current driven oil in addition to the creation of marsh barriers to shield the interior marshes from oil intrusion. The Mississippi River Delta was the first land area impacted by the Deepwater Horizon oil and protecting this area from further impact is extremely critical to the long-term viability of the Delta.

The proposed work area is shown on the attached drawings.

Please advise me as soon as possible of your action on this emergency authorization request. Should you have any questions regarding this request, please call me at [REDACTED].

Sincerely yours,

A handwritten signature in blue ink that reads "Kristi Cantu".

Kristi Cantu

Tewis, Robert M MVN

From: Farabee, Michael V MVN
Sent: Wednesday, July 21, 2010 9:33 AM
To: Tewis, Robert M MVN
Cc: Serio, Pete J MVN
Subject: FW: Pass A Loutre/Emergency Authorization Request
Attachments: COE PAL Letter.pdf; Permit Plats.pdf

Robert, I'm going to ask Melissa to log this in under your name. I'd like you to handle this (a little side job to the large berm project). Seems like the pass a loutre dredging may play into the long term plans of the berm project for material and or transport thereof? Their cross-section shows the cut to -30 elevation...is that a 30 foot deep cut, or is the existing bottom at -20 already? The section for the berm is no help, it just shows the berm to +5. I believe we'll need some clarification.

The first pdf is their letterhead with poc presentation.

Thanks.

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: Kristi Cantu [mailto:Kristi.Cantu@LA.GOV]
Sent: Wednesday, July 21, 2010 9:19 AM
To: Serio, Pete J MVN
Cc: Farabee, Michael V MVN; Karl Morgan; Steve Mathies; Syed Khalil; Richard Raynie; Chris Knotts; Jerry Carroll; David Fruge; Brian Vosburg
Subject: Pass A Loutre/Emergency Authorization Request

Pete,

Please see attached emergency authorization request to create marsh barriers in Blind and Customhouse Bays using sediment dredged from Pass A Loutre.

Thank you for your consideration.

Kristi Cantu

Office of Coastal Protection and Restoration (OCPR)



Tewis, Robert M MVN

From: Tewis, Robert M MVN
Sent: Tuesday, July 27, 2010 1:24 PM
To: 'Gregory DuCote'
Cc: Robert Routon; Chris Knotts; Jerome Zeringue; Louis Buatt; Stephen Chustz (DNR); Drue Banta; Serio, Pete J MVN; Mayer, Martin S MVN
Subject: RE: EUA for dredging in PAL

Mr. Ducote,

The Corps Engineering Division(ED), Hydraulics Section who are tasked with keeping the Mississippi River navigation channels open for commerce have concerns based on hydraulic studies and analysis indicating that opening up Pass A Loutre would divert a substantial amount of current energy from South and Southwest passes thereby creating problems in maintaining those two main navigation channels to their current depths, which currently accommodate international maritime traffic. If the State wants to proceed with this application, as proposed, it will have to be done by the Standard Permit method which will allow the Corps the proper time to coordinate with the USCG, the various river pilots associations and others concerned with the navigation channels of the river. We anticipate an extensive amount of additional information for this coordination and for the Corps ED to complete a thorough review.

If the State wants to submit revised plans for dredging Pass A Loutre where the dredging would not exceed two miles east of the river channel the Corps would proceed with processing this application under our emergency permit procedures.

Robert Tewis
PM, USACE
MVN, Regulatory Branch
504-862-2041

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

From: Gregory DuCote [mailto:Gregory.DuCote@LA.GOV]
Sent: Tuesday, July 27, 2010 12:28 PM
To: Tewis, Robert M MVN
Cc: Robert Routon; Chris Knotts; Jerome Zeringue; Louis Buatt; Stephen Chustz (DNR); Drue Banta
Subject: EUA for dredging in PAL

Mr. Tewis

I was forwarded a copy of the electronic mail below by Mr. Karl Morgan, Administrator, Permits and Mitigation Division, Office of Coastal Management. I am not certain that I understand your options and whether or not there is really much difference. I believe I understand the difference between processing as an emergency use as opposed to a Standard Permit however I think that the email begs several questions;

- 1) Why do you want the area to be dredged reduced? You gave no reason.
- 2) Should not the merits of the project dictate whether or not it should be granted?
- 3) Of what significance is it to the NOD what the channel configuration or size is?

- 4) Are you implying that if the state does not reduce the area to be dredged that the application will then be processed as a Standard Permit?
- 5) What exactly does that mean - i.e. considerably more time before it is approved?
- 6) If we reduce the area of dredging would it be processed as an emergency?
- 7) If so, what is the NOD's threshold for reduction before it goes from emergency use to Standard Permit? Alternatively, what can the state have under an emergency authorization?
- 8) Your # 3) begs a couple of questions as well. To wit;
 - 1) Is the Engineering Division (ED) setting the parameters for the size/amount of the proposed dredging?
 - 2) Would the ED still object to the permit if the state reduced the amount/size of dredged area?
 - 3) What authority does the ED have to summarily demand denial of a permit?
 - 4) How many permits and which ones are they that the ED has "denied" to date?

Gregory J. DuCote

Administrator

Interagency Affairs/Field Services Division

Office of Coastal Management

P.O. Box 44487

Baton Rouge, LA 70804-4487

gregory.ducote@la.gov

Desk: [REDACTED]

Cell: [REDACTED]

Fax: [REDACTED]

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

From: Tewis, Robert M MVN

Sent: Tuesday, July 27, 2010 9:32 AM

To: Mayer, Martin S MVN; Boyett, Ricky D MVN; Serio, Pete J MVN; Pfeffer, Stephen D MVN

Cc: Zeringue, Karen T MVN; Jones, Amanda S MVN

Subject: RE: Pass A Loutre

We sent an email to the State informing them that as proposed the application cannot be processed as an emergency authorization. We gave the State the option of 1.) submitting revised plans to reduce the area to be dredged in the pass,

2.) we would process as an application for a Standard Permit 3.) have the application denied based on Engineering Division's objection.

The State's response is pending.

RT

Tewis, Robert M MVN

From: Tewis, Robert M MVN
Sent: Monday, July 26, 2010 8:28 AM
To: 'Kristi Cantu'
Cc: Serio, Pete J MVN; Farabee, Michael V MVN; Mayer, Martin S MVN
Subject: RE: Pass A Loutre/Emergency Authorization Request

Ms. Cantu,

Our Engineering Division (ED) has reviewed your application to dredge Pass A Loutre and construct berms on either side of the pass (Corps file # MVN-2010-01783-ETT). ED determined that the extent of dredging in Pass A Loutre should be no further than mile 2 in the pass, at a point just west of Cheniere Pass, the first major bifurcation in the Pass A Loutre. Therefore we are unable to process this request as an emergency permit at this time. In lieu of a denial of your current request, other options for you to consider are:

- 1.) Submit revised drawings showing the extent of dredging not to exceed 2 miles east of the river channel, in Pass A Loutre. This will require submittal of a Standard Permit (SP) application within thirty days of receiving authorization, if granted or,
- 2.) You can withdraw the emergency request and resubmit it as Standard Permit application. This may require additional information for a public notice etc.

If you have any further questions on this issue you may reach me by phone at 504-862-2041.

Robert Tewis
PM, USACE
MVN, Regulatory Branch

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

From: Kristi Cantu [mailto:Kristi.Cantu@LA.GOV]
Sent: Wednesday, July 21, 2010 12:46 PM
To: Tewis, Robert M MVN
Subject: RE: Pass A Loutre/Emergency Authorization Request

This is a separate permit.
Thanks

Kristi Cantu
Office of Coastal Protection and Restoration (OCPR) Restoration Division
[REDACTED]

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

From: Tewis, Robert M MVN [mailto:Robert.M.Tewis2@usace.army.mil]
Sent: Wednesday, July 21, 2010 12:41 PM
To: Kristi Cantu
Subject: FW: Pass A Loutre/Emergency Authorization Request

Ms. Cantu,

Is this a request to modify the existing barrier berm permit, Corps file # MVN-2010-01066-ETT? Or is this a request for a separate permit?

Robert Tewis

PM, USACE
MVN, Regulatory Branch
504-862-2041

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

From: Farabee, Michael V MVN
Sent: Wednesday, July 21, 2010 9:33 AM
To: Tewis, Robert M MVN
Cc: Serio, Pete J MVN
Subject: FW: Pass A Loutre/Emergency Authorization Request

Robert, I'm going to ask Melissa to log this in under your name. I'd like you to handle this (a little side job to the large berm project). Seems like the pass a loutre dredging may play into the long term plans of the berm project for material and or transport thereof? Their cross-section shows the cut to -30 elevation...is that a 30 foot deep cut, or is the existing bottom at -20 already? The section for the berm is no help, it just shows the berm to +5. I believe we'll need some clarification.

The first pdf is their letterhead with poc presentation.

Thanks.

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

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

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Please see attached emergency authorization request to create marsh barriers in Blind and Customhouse Bays using sediment dredged from Pass A Loutre.

Thank you for your consideration.

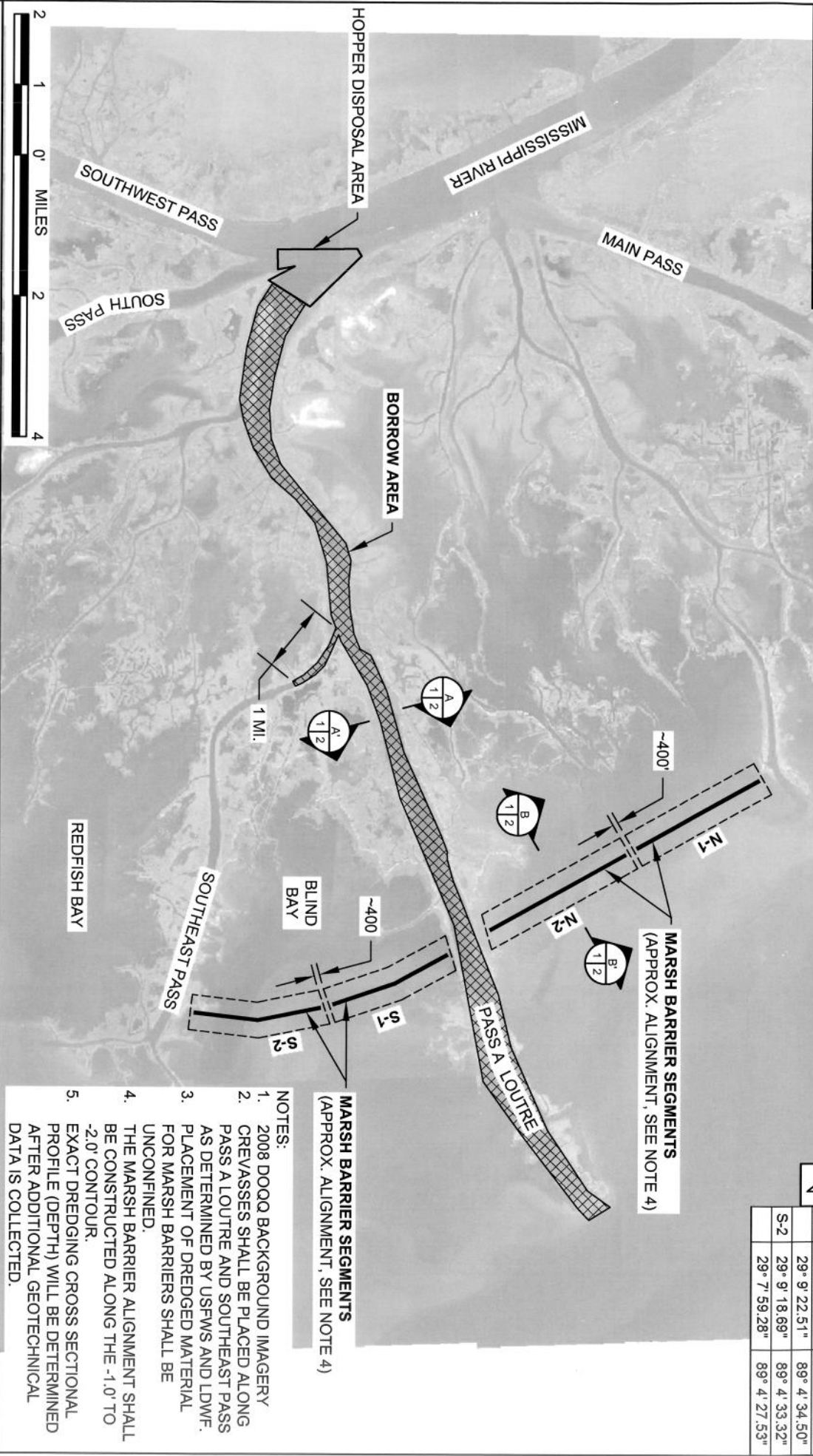
Kristi Cantu

Office of Coastal Protection and Restoration (OCPR)

Restoration Division



BORROW AREA		
ACRES	VOLUME (CY)	LINEAR MI.
2974	24,700,000	15.1
MARSH BARRIER		
ACRES	VOLUME (CY)	LINEAR MI.
2601	15,400,000	7.8



MARSH BARRIER CENTERLINE		
SEGMENT	LATITUDE	LONGITUDE
N-1	29° 14' 41.80"	89° 7' 39.42"
N-1	29° 13' 6.73"	89° 6' 40.86"
N-2	29° 13' 3.25"	89° 6' 38.72"
N-2	29° 11' 27.28"	89° 5' 39.64"
S-1	29° 10' 46.20"	89° 5' 13.67"
S-1	29° 9' 22.51"	89° 4' 34.50"
S-2	29° 9' 18.69"	89° 4' 33.32"
S-2	29° 7' 59.28"	89° 4' 27.53"

MARSH BARRIER SEGMENTS
(APPROX. ALIGNMENT, SEE NOTE 4)

- NOTES:**
- 2008 DOQQ BACKGROUND IMAGERY
 - CREVASSES SHALL BE PLACED ALONG PASS A LOUTRE AND SOUTHEAST PASS AS DETERMINED BY USFWS AND LDWF.
 - PLACEMENT OF DREDGED MATERIAL FOR MARSH BARRIERS SHALL BE UNCONFINED.
 - THE MARSH BARRIER ALIGNMENT SHALL BE CONSTRUCTED ALONG THE -1.0' TO -2.0' CONTOUR.
 - EXACT DREDGING CROSS SECTIONAL PROFILE (DEPTH) WILL BE DETERMINED AFTER ADDITIONAL GEOTECHNICAL DATA IS COLLECTED.

APPLICATION BY:
OFFICE OF COASTAL PROTECTION & RESTORATION
450 LAUREL STREET
BATON ROUGE, LOUISIANA 70801

OFFICE OF COASTAL PROTECTION & RESTORATION
ENGINEERING BRANCH
450 LAUREL STREET
BATON ROUGE, LOUISIANA 70801

PASS A LOUTRE
MARSH BARRIER

PLAN VIEW

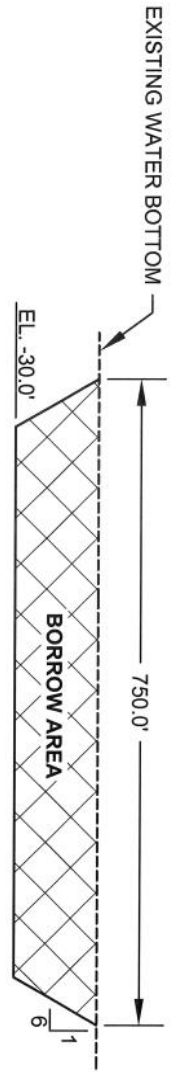
DRAWN BY: KRISTI CANTU

DESIGNED BY:

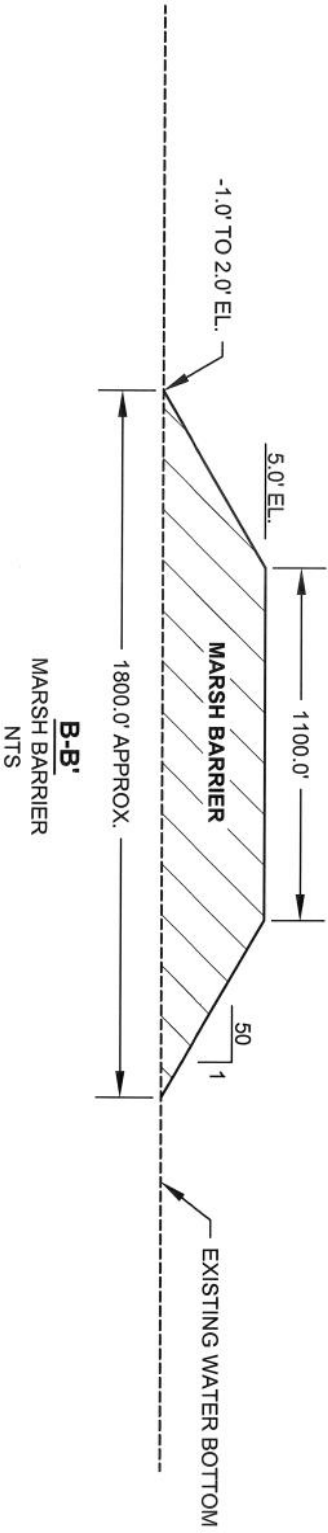
APPROVED BY:

STATE PROJECT NUMBER:
FEDERAL PROJECT NUMBER:

DATE: JULY 12, 2010
SHEET 1 OF 2



A-A'
BORROW AREA
NTS



B-B'
MARSH BARRIER
NTS

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450 LAUREL STREET
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BATON ROUGE, LOUISIANA 70801

PASS A LOUIRE
MARSH BARRIER

DETAILS

DRAWN BY: KRISTI CANTU

DESIGNED BY:

APPROVED BY:

STATE PROJECT NUMBER:

FEDERAL PROJECT NUMBER:

DATE: JULY 12, 2010

SHEET 2 OF 2

From: Tewis, Robert M MVN
To: ["Kristi Cantu"](#)
Cc: [Serio, Pete J MVN](#); [Farabee, Michael V MVN](#); [Mayer, Martin S MVN](#)
Subject: FW: Pass A Loutre/Emergency Authorization Request
Date: Thursday, August 05, 2010 10:41:00 AM

Ms Cantu,

As per the email below your application will be withdrawn. As stated previously this action will not prejudice future permit requests.

Also previously stated; you are cautioned that conducting any of the proposed work prior without Department of the Army (DA) authorization would constitute a violation of federal laws. Receipt of a permit from state or local agencies does not obviate the requirement for obtaining a DA permit prior to conducting any of the proposed work.

Please contact me if you have any further questions. I may be reached at ph # 504-862-2041. Thanks for your cooperation.

Robert Tewis
PM, USACE
MVN, Regulatory Branch

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

From: Tewis, Robert M MVN
Sent: Tuesday, August 03, 2010 9:04 AM
To: 'Kristi Cantu'
Cc: Serio, Pete J MVN; Farabee, Michael V MVN; Mayer, Martin S MVN
Subject: FW: Pass A Loutre/Emergency Authorization Request

Ms. Cantu,

To date our office has not received a response, from you, to the additional information requested below. If we do not receive a response by 10:00 am tomorrow morning we will assume the OCPR has no further interest in pursuing emergency authorization for this proposal and we will withdraw the request from our data base. This action will not prejudice future permit requests.

You are cautioned that commencement of the proposed work prior to DA authorization would constitute a violation of federal laws. Receipt of a permit from state or local agencies does not obviate the requirement for obtaining a DA permit prior to commencing the proposed work.

If you have any further questions I may be reached at ph # 504-862-2041. Thanks in advance for your cooperation.

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MVN, Regulatory Branch

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