

S.Castaing X-1564

Operations Division
Eastern Evaluation Section

SUBJECT: (General Permit) NOD-20 BASE FILE: MVN 2010-1550 EPP

JUN 30 2010

Plaquemines Parish Government 8056 Highway 23, Suite 307

8056 Highway 23, Suite 307 Belle Chasse, Louisiana 70037

Gentlemen:

This concerns your enclosed communication dated June 29, 2010, relative to your request for an emergency authorization to install an Ultra Spill X-tex fence, near Wilkinson Canal, in Louisiana, within Plaquemines Parish; in order to expedite access and facilitate clean-up efforts in response to the MC252 (Deepwater Horizon) oil spill.

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

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

- 1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein provided emergency authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- 2. Your use of the permitted activity shall not obstruct the public's right to free navigation on all navigable waters of the United States.
- 3. You shall install and maintain, at your expense, any safety lights, signs and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on your authorized structures.

4. If the proposed project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, etc.,) you are advised to notify the U.S. Coast Guard so that a Notice to Mariners, if required, may be prepared. Notification with a copy of your emergency authorization and any associated plats should be immediately forwarded to the U.S. Coast Guard, Sector New Orleans Command Center, 201 Hammond Highway, Metairie, Louisiana 70005. Telephone inquiries can be directed to 504-846-5923.

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

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

The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete and return the attached Customer Service Survey or go to the survey found on our web site at http://per2.nwp.usace.army.mil/survey.html.

Should you have any further questions concerning this matter, please call Stephanie Castaing of this office at 504-862-1564.

Sincerely,

Pete J. Serio Chief, Regulatory Branch Farabee OD-SE Serio

OD-S

Enclosure

Plaquemines Parish Government

Parish President **Billy Nungesser**

COASTAL ZONE MANAGEMENT

8056 Hwy. 23, Suite 307 Belle Chasse, Louisiana 70037 (504) 297-5629 Fax (504) 274-2463 eMail: pjhahn@plaqueminesparish.com

Council Members

District 1 - Don Beshel
District 2 - Keith Hinkley
District 3 - Jerry Hodnett
District 4 - Dr. Stuart J Guey Jr.
District 5 - Anthony Buras
District 6 - Burghart Turner
District 7 - Jay Friedman
District 8 - Lynda Banta
District 9 - Marla Cooper

June 30, 2010

TO:

Castaing, Stephanie L MVN [stephanie.l.castaing@usace.army.mil]

FROM:

P. J. HAHN

Director of Coastal Zone Management

RE:

EUA for the product X-Tex to use along Wilkinson Canal

and bird islands' within Plaquemines Parish POC

Albertine Kimble

Email address:

albertine kimble@plaqueminesparish.com

MVN 2010-1550 EPP

Castaing, Stephanie L MVN

Subject: Attachments: FW: Request for EUA

Ultra-Spill Fence HD X-Tex Model.pdf; X-Tex Rolls and Bulk 5-19-10.pdf; DSCN0020.jpg;

DSCN0022.jpg; DSCN0036.jpg; X-Tex Test Section Plaquemines.jpg

----Original Message----

From: P J Hahn [mailto:pjhahn@plaqueminesparish.com]

Sent: Tuesday, June 29, 2010 8:59 AM

To: Serio, Pete J MVN

Cc: timothy.vignes@ang.af.mil; Darren; Barry Richard (DNR); Jerome Zeringue

Subject: Request for EUA

Project Name and parish: X-Tex fabric fence for Plaquemines Parish

Applicant: Plaquemines Parish c/o P.J. Hahn Coastal Director

Address: 8056 Hwy 23, Suite 307, belle Chasse, la. 70037

Phone:

Email: pjhahn@plaqueminesparish.com

Area Map with text on how to get to site: See attached

Location Map with coordinates and the datum for the coordinates: N/A

Estimate of AOI: (30 miles):

Brief description of work to be done including: Fabric fence will be placed in front of marsh to stop oil.

Cross-sectional drawings of anything to be installed, if applicable: N/A

Access route to the site: Wilkinson Canal

Type of equipment to be used and where it will be used on the site with respect to wetlands or vegetated habitat: Small flat hull boats as well as airboats.

Source of fill material if applicable: N/A

Amount of material to be dredged if applicable and where it will be placed on the site: No dredging will be needed to install the fence.

Justification: Prevent oil from the Deep Horizon oil spill from entering the marsh.

Statement of alternatives considered to avoid or otherwise minimize damages: X-Tex fence will be placed outside the marsh and seems to be more effective, with no impacts to the marsh while installing.

P. J. Hahn

Director, Coastal Zone Management Department

8056 Hwy 23

Suite 307

Belle Chasse, LA 70037

Office:

Fax:

Cell:

Castaing, Stephanie L MVN

Subject:

FW: Request for EUA

----Original Message----

From: P J Hahn [mailto:pjhahn@plaqueminesparish.com]

Sent: Tuesday, June 29, 2010 3:16 PM

To: Farabee, Michael V MVN Subject: RE: Request for EUA

Green is boom and black is X-Tex fabric fence. The 30 miles is an estimate.

PJ

----Original Message-----

From: Farabee, Michael V MVN [mailto:Michael.V.Farabee@usace.army.mil]

Sent: Tuesday, June 29, 2010 11:02 AM

To: P J Hahn

Subject: FW: Request for EUA

PJ,

I owe you a phone call, but Pete forwarded this to me just a few minutes ago. I have passed this to Karl Morgan and Jay Pecot with LADNR so both parties will be reviewing.

2 questions: 1) is the solid black line on the aerial view predominantly east of Wilkinson canal the proposed line of x-tex fence? Or is it the area shown in green as boom? I've seen everything called boom these days so I just need to be sure. 2) Any calculation on the linear feet of x-tex to be installed? Is the 30-miles in the e-mail an estimate of linear installation?

Thanks.

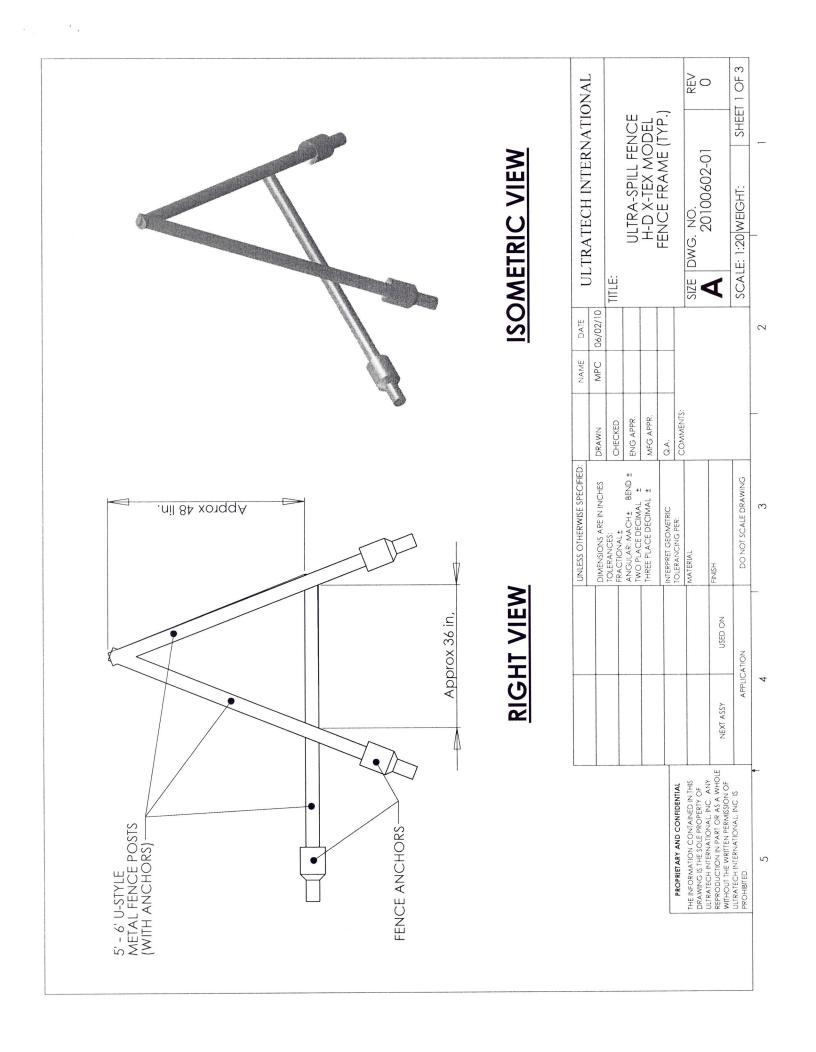
1 new requirement: I need you to follow this request up with a written, signed request for the proposed work on official letterhead detailing who is your official governmental agent/poc (you as detailed in this e-mail). This document should be received within the next 24 hours and must be received prior to any final decision on this action. Please make note of this requirement and make every effort to include such documentation with your future requests.

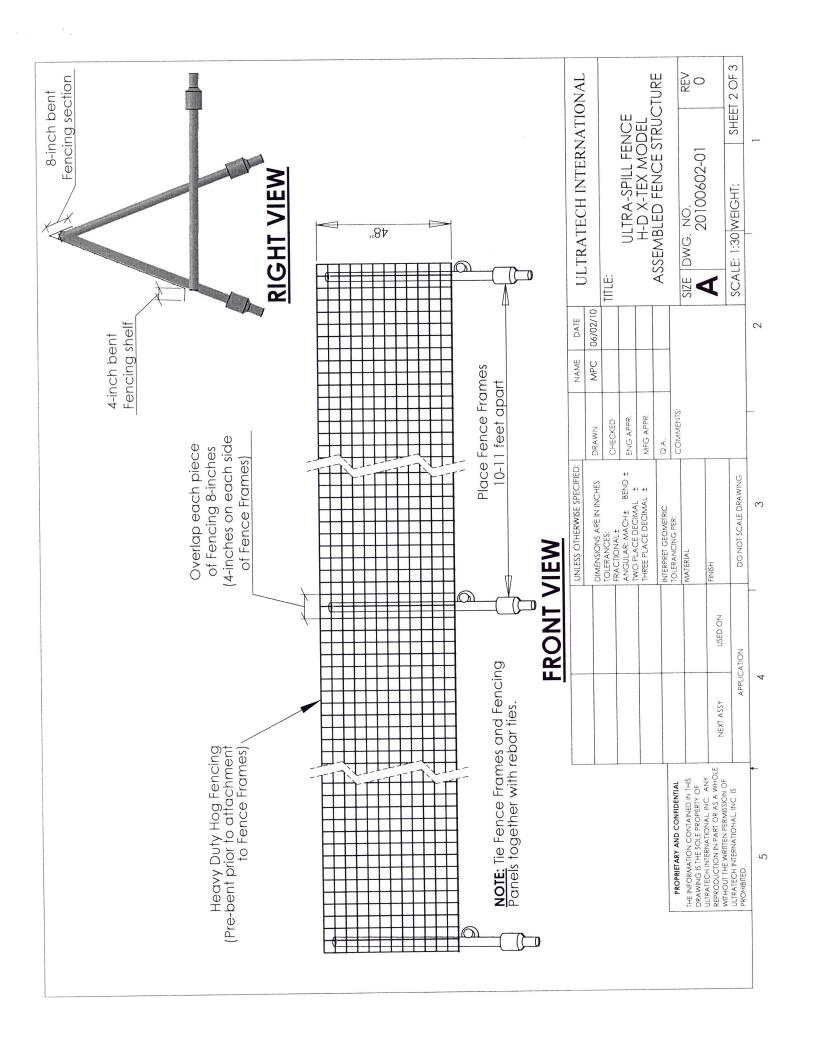
Thanks, I'll call you in a few minutes, to see what's on your mind.

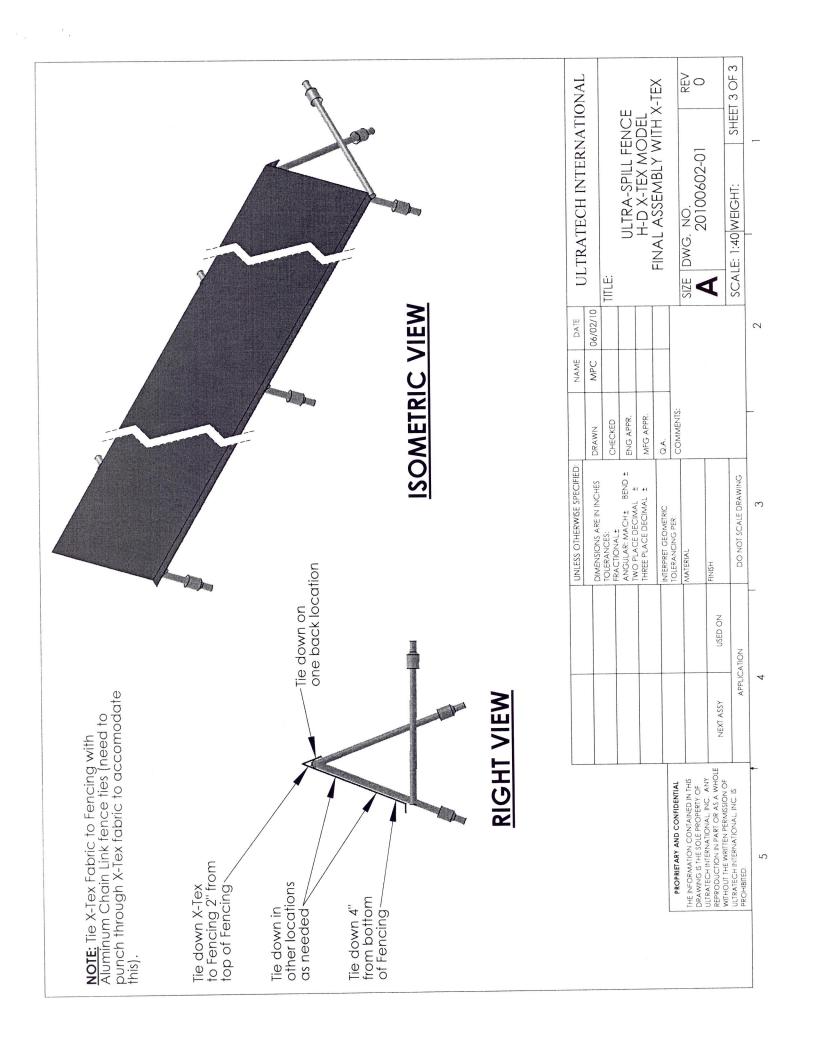
Michael V. Farabee New Orleans District Regulatory Branch Chief, Eastern Evaluation Section

(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





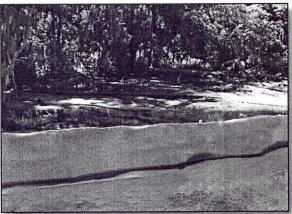




X-Tex







X-Tex used for Silt Fence

X-Tex: Roll Form

- 12 oz, hydrophilic oil-absorbing fabric in 5' x 250' rolls.
- 100% recycled polymer material that has been treated with a patented process to achieve its unique properties.
- · Weight per roll: 100 lbs.
- · Each role can absorb approximately 375 gallons of oil.
- There is enough inventory of raw material to product 10,000 rolls that could absorb over 3,750,000 gallons of oil.
- Applications for use include making absorbent oil boom with various sized skirts, oil blankets for use in the surf and to
 protect beaches, wiping pads, and silt fence for protecting wetlands, marshes and estuaries where there is tidal, clam
 waters.

X-Tex: Bulk Fiber Bales

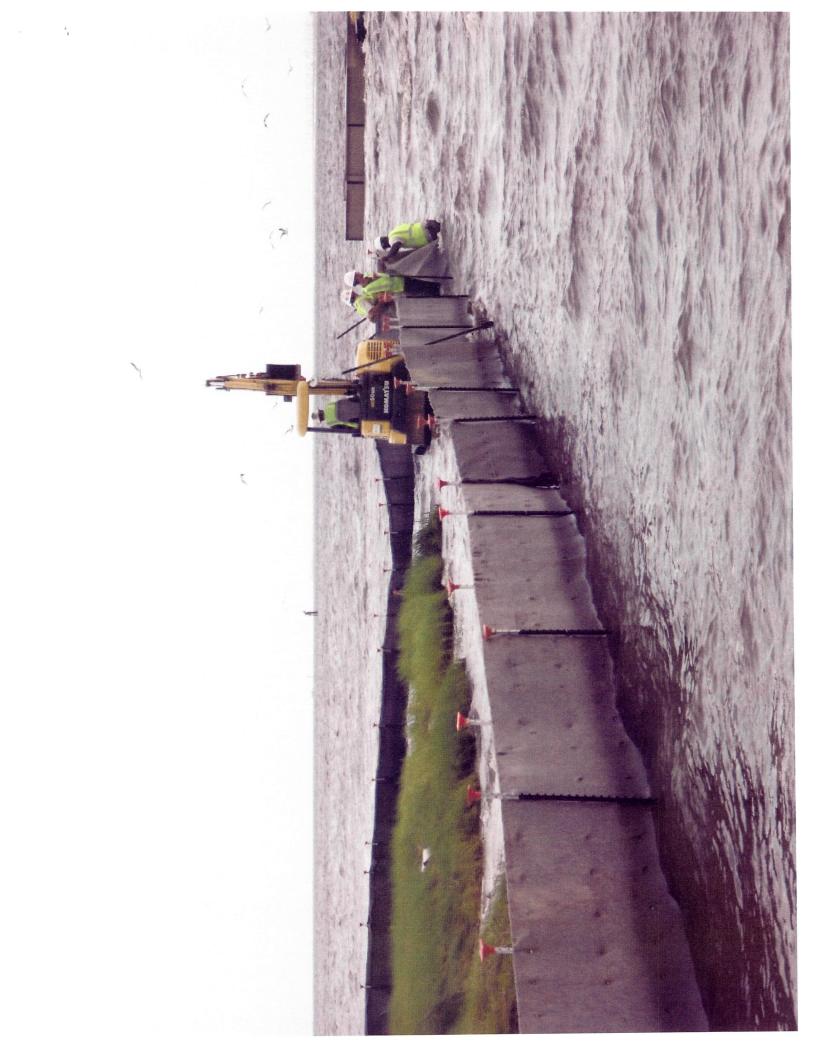
- · Loose, bulk fibers come in 600 lb. bales.
- 100% recycled polymer material that has been treated with a patented process to achieve its unique properties.
- Each bale can absorb approximately 1500 gallons of oil.
- We can produce approximately 40 bales per week, minimum.
- · Applications for use include making absorbent oil boom with a poly foam core for buoyancy,

Part #	Description
9310	X-Tex Fabric, Roll • 5'W x 250'L • Weight: 12 oz.
9312	X-Tex Bulk Fiber Bale • 600 lbs.









DECISION DOCUMENT FOR EMERGENCY PERMITTING VERIFICATION, NOD-20

ORM Number: MVN 2010-1550 EPP					
Applicant: Plaquemines Parish Government					
Project Location (Waterway, Section, Township, Range, City, County, State): Near Wilkinson Canal, in Louisiana, in Plaquemines Parish					
Receipt Date: June 29, 2010 Complete: Yes \(\subseteq \text{No } \text{No } \end{aligned}					
Additional Information Requested Date: Yes					
Application Complete Date: June 30, 2010					
Waters of the US: Yes *see Jurisdictional Determination form(s) dated:					
Authority: Section 10 🔀 Section 404 🗌 Section 103 🗍					
Project Description (Describe activities in waters of the U.S. authorized by verification): Install approximately 30 miles of Ultra-Spill X-tex fabric fence.					
Project Purpose: Prevent oil from the Deepwater Horizon Oil Spill from entering marsh area.					
Type of Permit Verified: NOD-20 ⊠					
Pre-construction Notification Required: Yes No					
Coordination with Agencies/Tribes: Yes No Date: Commenting Agencies: US Fish and Wildlife Service US Environmental Protection Agency National Marine Fisheries Service State Agency (if checked, list commenting state agencies) State Historic Preservation Office Other: Substantive Issues and Corps Resolution: If necessary agency coordination will be conducted during review of the after-the-fact permit application Compliance with Other Federal Laws (If specific law is not applicable write N/A in the adjacent text box): N/A					
a) Endangered Species Act: N/A Name of species present: N/A					

	Effects determination: N/A
	Date of Service(s) concurrence: N/A Basis for "no effect" determination: N/A Additional information (optional): N/A
b)	Magnuson-Stevens Act (Essential Fish Habitat): N/A Name of species present: N/A Effects determination: N/A Date of Service(s) concurrence: N/A Basis for "no effect" determination: N/A Additional information (optional): N/A
ŕ	Section 106 of the National Historic Preservation Act: Known site present: yes no Survey required/conducted: yes no Effects determination: N/A Rationale: N/A Date consultation complete (if necessary): N/A Additional information (optional): A opinion to be rendered by the SHPO completion of the project and review of the ATF application.
d)	Section 401 Water Quality Certification: Individual certification required: yes no Issued waived denied Additional information (optional): Blanket Concurrence for EUA
e)	Coastal Zone Management Act: Individual certification required: yes no Issued waived denied Additional information (optional): EUA 10-070 issued July 1, 2010.
f)	Wild and Scenic Rivers Act: Project located on designated or "study" river: yes no Managing agency: N/A Date written determination provided that the project will not adversely affect the Wild and Scenic River designation or study status: N/A Additional information (optional): N/A
g)	Others (Specify):
Gener	al Conditions Required: yes no (If yes, provide rationale for each required condition): ral Conditions of the NOD-20 and Section 10 conditions. Specific conditions may be incorporated to f the ATF Permit, pending submital and processing of the application.

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

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

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

Prepared by:

Stephanie Castaing

Reviewed by:

Chief, Eastern Evaluation Section

Date: June 30, 2010

Castaing, Stephanie L MVN

From:

Schindler, Paige P MVN

Sent:

Tuesday, June 29, 2010 3:33 PM

To:

Castaing, Stephanie L MVN Terrell, Brigette F MVN

Cc: Subject:

RE: Emergency Authorization-Plaquemines Parish-MVN 2010-1550 EPP

Hi Stephanie, we have no real estate interest in the subject area. Thanks, Paige

----Original Message----

From: Castaing, Stephanie L MVN

Sent: Tuesday, June 29, 2010 1:32 PM

To: Schindler, Paige P MVN Cc: Terrell, Brigette F MVN

Subject: Emergency Authorization-Plaquemines Parish-MVN 2010-1550 EPP

Paige,

Could you please take a look at the attached EA and advise if a real estate instrument will be required.

"Lack of reply by 4:00 pm today will be construed as no objection."

Thank you,

Stephanie L. Castaing Environmental Resource Specialist Regulatory Branch U.S. Army Corps Of Engineers New Orleans District (504) 862-1564

Castaing, Stephanie L MVN

From:

Krista Clark [kclark@plaqueminesparish.com] Wednesday, June 30, 2010 1:43 PM Castaing, Stephanie L MVN

Sent:

To:

Subject:

X-tec project

Stephanie, please use ONLY the area in black. The bird island is for the future. Thanks, Albertine

BOBBY JINDAL GOVERNOR



ROBERT D. HARPER
SECRETARY

State of Louisiana

DEPARTMENT OF NATURAL RESOURCES OFFICE OF COASTAL MANAGEMENT

July 1, 2010

CERTIFIED	MAIL
NO.	

Plaquemines Parish 8056 Hwy 23 Suite 307 Belle Chasse, LA 70037 Attn: Mr. PJ Hahn

RE: Emergency Use Authorization, EUA 10-070

Plaquemines Parish

Description: Proposed approximately 30 miles of fabric fencing (X-Tex) will be placed in front of marsh to prevent oil from damaging environment. No dredging or fill will be needed to install the fence.

Location: Wilkinson Bay. POB: Lat. 29° 27' 29.652"W, Long. 89° 57' 2.104W"; POE:

Lat. 29° 29' 21.182"W, Long. 89° 55' 40.023"W.

Plaquemines Parish, LA

Dear Mr. Hahn:

We have reviewed the information presented to the Office of Coastal Management (OCM) in your Emergency Use Authorization request dated June 29, 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 nature of emergency 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.
- 3. The applicant agrees, by virtue of the commencement of authorized activities, to submit to OCM, a complete application packet (\$100 application fee, Joint Application Form, vicinity plats, plan plats, cross section plats, etc.) for the activity not more than thirty (30) days from the date of this authorization. You

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

may obtain a free application packet by calling our office at (225) 342-7591 or (800)-267-4019; or by visiting our website at http://www.dnr.state.la.us/crm/coastmgt/cup/cup.asp.

- 4. The applicant agrees, by virtue of the commencement of authorized activities, to avoid to the maximum extent practicable, vegetated wetland impacts, and if necessary to mitigate for those unavoidable adverse impacts to vegetated wetlands, including submerged aquatics, should OCM determine that mitigation is necessary. Should OCM deem mitigation to be necessary, the applicant agrees, by virtue of the commencement of authorized activities, to submit and fulfill a mitigation plan that has been approved by OCM.
- 5. The applicant agrees, by virtue of the commencement of authorized activities, to adjust, alter, or remove any structure or other evidence of the authorized emergency use if, in the sole opinion of OCM, it proves to be beyond the scope of the authorized activity or has been abandoned.
- 6. The applicant agrees, by virtue of the commencement of authorized activities, to hold and save the State of Louisiana, the Department of Natural Resources (DNR), and their officers and employees harmless from any damage to persons or property which might result from the emergency use.
- 7. The applicant agrees, by virtue of the commencement of authorized activities, to certify that the emergency use has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by OCM as referenced herein. OCM may, when it deems appropriate, require that such certification 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.
- The applicant agrees, by virtue of the commencement of authorized activities, to notify OCM of the date on which initiation of the authorized emergency activity began. The applicant shall notify OCM by mailing the enclosed green initiation card on the date of initiation of the authorized activities.
- 10. The applicant agrees, by virtue of the commencement of authorized activities, to ensure that the authorized activity does not result in the blockage of any natural or manmade streams or sloughs. A follow-up investigation of the authorized work will be conducted by employees of OCM to determine compliance with this condition.

Emergency Use Authorization, EUA 10.070 Plaquemines Parish July 1, 2010 Page 3

- 11. 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 OCM for the authorized activity. This expiration condition will be waived only if the applicant notifies OCM of the reason(s) for the delay and proposes an acceptable schedule for initiation of the work, or submits a complete Coastal Use Permit Application.
- 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 the course of the work, any traditional cultural Director) or Melanie Aymond (Research Coordinator) at the course of the work, any traditional or (Cultural Director) or Melanie Aymond (Research Coordinator) at the course of the work, any traditional or (Cultural Director) or Melanie Aymond (Research Coordinator) at the course of the work, any traditional or (Cultural Director) or Melanie Aymond (Research Coordinator) at the course of the work, any traditional or (Cultural Director) or Melanie Aymond (Research Coordinator) at the course of the work, any traditional or (Cultural Director) or Melanie Aymond (Research Coordinator) at the course of the work, any traditional or (Cultural Director) or Melanie Aymond (Research Coordinator) at the course of the work, any traditional cultural Director) or Melanie Aymond (Research Coordinator) at the course of the work, any traditional cultural Director) or Melanie Aymond (Research Coordinator) at the course of the work, any traditional cultural Director) or Melanie Aymond (Research Coordinator) at the course of the work, any traditional cultural Director) or Melanie Aymond (Research Coordinator) at the course of the work, any traditional cultural Director) or Melanie Aymond (Research Coordinator) at the course of the work, any traditional cultural Director) or Melanie Aymond (Research Coordinator) at the course of the course of the work, any traditional cultural Director) or Melanie Aymond (Research Coordinator) at the course of th
- 13. Applicant must notify oyster leases within 500 feet of the project prior to commencement.
- 14. Applicant must coordinate with the Louisiana Natural Heritage Program prior to commencement, please contact David Butler at
- 15. The applicant shall comply with all applicable state laws regarding the need to contact the Louisiana One Call (LOC) system (1-800-272-3020) to locate any buried cables and pipelines.
- 16. 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. All hard structures shall be removed upon the determination by State and Federal regulatory authorities that there is no longer a significant risk of contamination from the BP Horizon Oil Spill to lands in this project area or within two (2) years from the date of this signed authorization, whichever comes first, unless specifically directed to handle otherwise by the ATF permit for this activity.
- 17. This emergency use authorization does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.

Emergency Use Authorization, EUA 10.070 Plaquemines Parish July 1, 2010 Page 4

18. 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 Ms. Christine Charrier, Permit Program Manager, at

Sincerely,

Karl Morgan,

Acting Administrator

Karl L Moy

AGREED TO AND A	CCEPTED this	day of		, 200
by	(applicant signature)		·	

KM/sg

Attachments (green card and plats)

CC: Pete Serio, COE w/plats
David Butler, LDWF w/plats
Peggy Rooney, OCM/SS w/plats
Frank Cole, OCM/FI w/plats
Albertine M. Kimble, Plaquemines Parish w/plats