Harmala 287



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT. CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

JUN 2 4 2010

REPLY TO ATTENTION OF:

Operations Division Western Evaluation Section

SUBJECT: MVN 2010-1473 WB

General Permit NOD-20

BP Oil C/O Providence 1251 Main Street Baton Rouge, Louisiana 70802

Gentlemen:

Receipt is acknowledged of your letter dated June 19, 2010, requesting authority to install pilings for the installation of oil booms in the vicinity of Lake Raccourci located in Lafourche Parish, Louisiana to prevent oil encroachment into interior marshes that resulted from the Deepwater Horizon oil spill.

The proposed work is permitted under authority of General Permit NOD-20. This approval to perform work is valid for 5 years from the date of this letter. This authorization does not eliminate the need to obtain a Louisiana Coastal Use Permit or any other federal, state, or local approval, that may be required by law.

The following special conditions are made part of this authorization:

All construction activities should be conducted in a manner to avoid impacting resident flora and fauna communities to maximum extent practicable. Guidance should be requested from appropriate state or federal agencies when working in close proximity to rookerie and/or nesting areas.

The opinion has been made on the basis of information provided by your letter. If it is later established that you furnished erroneous data, you may be directed to alter or modify your plans, to remove structures you have installed, and/or to restore the work area pre-project conditions at your own expense. If it is established that you knowingly furnished erroneous data, you could also be subject to legal action.

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.

FILE

Dele

Semi

The drawings submitted with your letter are attached hereto and made a part of the record.

Sincerely,

Pete J. Serio Chief, Regulatory Branch

See page 3 for copies furnished:

U.S. Fish & Wildlife Service 646 Cajundome Blvd., Suite 400 Lafayette, Louisiana 70506

Area Supervisor National Marine Fisheries Service c/o LSU Center for Wetland Resources Baton Rouge, Louisiana 70803-7535

U.S. Environmental Protection Agency Federal Activities Branch (6E-FT) 1445 Ross Avenue Dallas, Texas 75202-2733

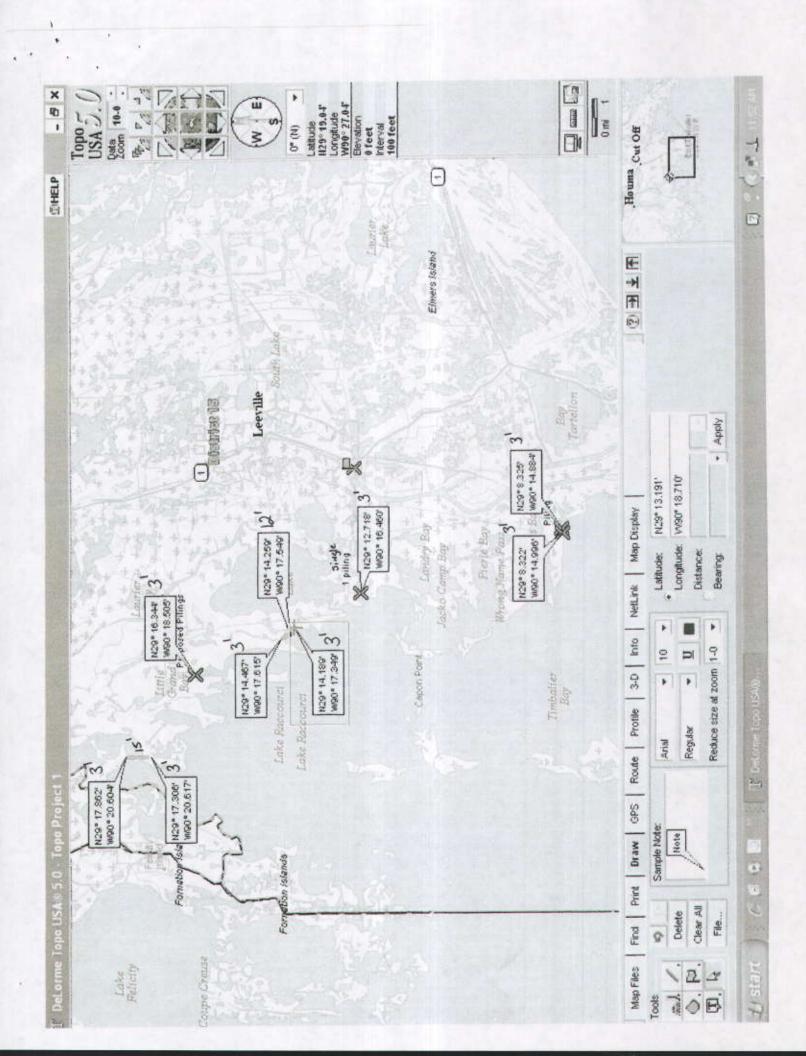
Louisiana Department of Environmental Quality Office of Environmental Services P.O. Box 4313 Baton Rouge, Louisiana 70821-4313

Louisiana Department of Natural Resources Coastal Management Division Post Office Box 44487 Baton Rouge, Louisiana 70804-4487

State Historic Preservation Office Post Office Box 44247 Baton Rouge, Louisiana 70804-4247

Louisiana Department of Wildlife and Fisheries Ecological Studies Section Post Office Box 98000 Baton Rouge, Louisiana 70898-9000

U.S. Coast Guard The Commander Eighth Coast Guard District (OAN) 501 Magazine Street New Orleans, Louisiana 70130-3396





June 19, 2010

Mr. Mayer,

BP would like to request an emergency use authorization to install pilings for the installation of boom.

The pilings will be located from the north to the south on Lake Raccourci at the GPS coordinates indicated on the attached map.

If you have any further questions, please contact me at mclemojp@bp.com.

Sincerely,

John McLemore Branch Director

John M. Lemone

BP

EMERGENCY USE AUTHORIZATION STATEMENT AND RECOMMENDATION FORM

Applicant: BP

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 nazard.	(LAC 438/23.B.3.a.I)
	a. Hazard to life	
	b. Potential loss of property	
	X 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:	
	X b. Man-made	
	1. wreck	
	2. explosion	
	X 3. spill	
	4. other:	
3.	Corrective action necessitated by emergency situ	nation: (LAC 43§723.B.3.a.i)
4.	Comments:	
5.	Recommendation for approval:	
	Recommended Not R	ecommended
	Analyst Coo	ordinator/Program Manager
	Date	Date

Herman, Darlene C MVN

G/24/10 Add'l into Fee'd

From:

Mclemore, John P (Swift) [John.Mclemore@bp.com]

Sent:

Thursday, June 24, 2010 10:48 AM

To:

Herman, Darlene C MVN Duke, Ronnie W MVN; Mclemore, John P (Swift); Hild, David G

Cc: Subject:

Piling Installation at Lake Raccourci

Attachments:

Emergency Authorization Letter2.ZIP; emergency form.ZIP; emergency map.ZIP

Ms. Herman,

To clarify the drawing locations of the proposed pilings I submit the following:

- * On the drawing where there are two coordinates listed there will be two pilings. There are two locations on the drawing where this applies; on the top left and the lower most indication on the drawing.
- * There are two locations where only one piling is required due to an existing fixed point to attach boom. These are located on the drawing at Little Grand Bay and north of Landry Bay.
- * The location where three coordinates are listed will indicate three piling will be installed in a staggered setup.

I am attaching the original information submitted for your use. Please contact myself of David Hild () if you have additional questions or require more information.

John McLemore

Lafourche Branch Director

MUH-2010-01473-WB

Duke, Ronnie W MVN

From:

.

Mayer, Martin S MVN

Sent:

Tuesday, June 22, 2010 12:24 PM

To:

Duke, Ronnie W MVN

Subject:

FW: Emergency Use Authorization for BP in Lafourche Parish

Attachments:

EUA Lafourche BP.pdf



Dukie-Boy,

Have you received this? It's for piling/boom installation at Raccourci Lake. It looks familiar, but they all do after a while?

Martin

----Original Message----

From: Dale Mouch [mailto:dalemouch@providenceeng.com]

Sent: Tuesday, June 22, 2010 11:47 AM

To: Mayer, Martin S MVN

Subject: FW: Emergency Use Authorization for BP in Lafourche Parish

Sorry . . I had a typo in the original email.

Dale

From: Dale Mouch

Sent: Tuesday, June 22, 2010 11:40 AM To: 'martin.s.mayer@usace.armiy.mil'

Cc: 'mclemojp@bp.com'; Lester Picard; Paul Clifton

Subject: Emergency Use Authorization for BP in Lafourche Parish

Martin,

I am submitting this request for emergency use authorization on behalf of BP. It is my understanding that John McLemore of BP originally submitted this request on or around June 19th. The referenced project will install pilings for the installation of oil booms in the vicinity of Lake Raccourci. Please let me know when we can expect to receive approval of this request.

Regards,

Dale

Dale M. Mouch, Jr., P.E.

Project Engineer
Providence
1201 Main Street
Baton Rouge, LA 70802
Office:
Fax:

Cell:

dalemouch@providenceeng.com <mailto:dalemouch@providenceeng.com>
www.providenceeng.com <http://www.providenceeng.com/>



June 19, 2010

Mr. Mayer,

BP would like to request an emergency use authorization to install pilings for the installation of boom.

The pilings will be located from the north to the south on Lake Raccourci at the GPS coordinates indicated on the attached map.

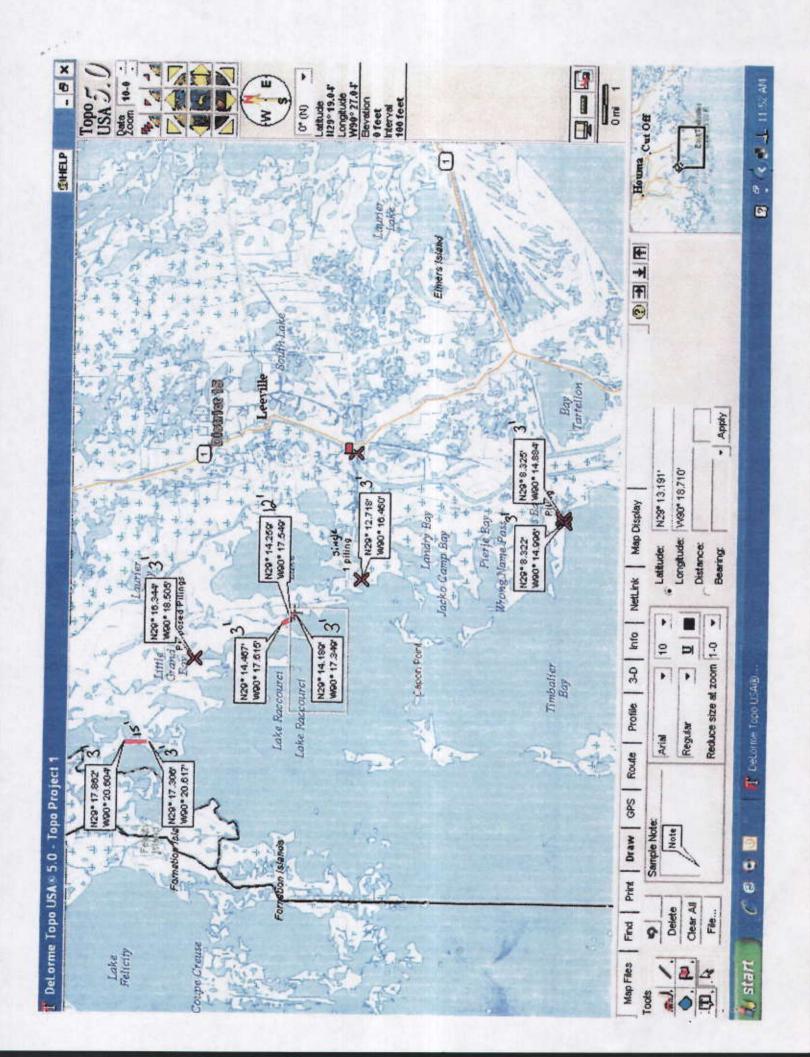
If you have any further questions, please contact me at mclemojp@bp.com.

Sincerely,

John McLemore Branch Director

hn Mc Lemore

BP



EMERGENCY USE AUTHORIZATION STATEMENT AND RECOMMENDATION FORM

Applicant: BP

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	
	X 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:	
	X b. Man-made	
	1. wreck	
	2. explosion	
	X3. spill	
	4. other:	
3.	Corrective action necessitated by emergency situation:	(LAC 43§723.B.3.a.i)
4.	Comments:	
5.	Recommendation for approval:	
	Recommended Not Recommend	led
	Analyst Coordinator/Pr	rogram Manager
	Date	Date

CERTIFIED MAIL NO. 008257 6062

JHM 3 0 2010

BOBBY JINDAL GOVERNOR ROBERT D. HARPER

State of Louisiana

DEPARTMENT OF NATURAL RESOURCES OFFICE OF COASTAL MANAGEMENT

June 25, 2010

BP America Attn: David Hild or Peggy Sue Peel Martin Terminal 120 17th St., Suite #2 Golden Meadow, LA 70357

Re: EUA 10-067 BP America

Description: Emergency installation of pilings to assist in boom deployment in response to oil

spill. No dredging or fill is required.

Location: Along the eastern shore of Lake Raccourci and the NE shore of Timbalier Bay.

Lafourche Parish, LA

Dear Mr. Hild or Ms. Peel:

We have reviewed the information presented to the Office of Coastal Management (OCM) in the Emergency Use Authorization request dated June 23, 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 that work described above, and is contingent upon acceptance of the following conditions:

- This Emergency Use Authorization is strictly limited to the activity as described in your request and accompanying plats.
- 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 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

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

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.

- 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 be given by a registered engineer.
- 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 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. 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.
- 11. The following conditions have been provided by the Louisiana Department of Wildlife and Fisheries (LDWF):

The LDWF database indicates the presence of bird nesting colonies within one mile of this proposed project. Please be aware that entry into or disturbance of active breeding colonies is prohibited by the LDWF. In addition, LDWF prohibits work within a certain radius of an active nesting colony.

Nesting colonies can move from year to year and no current information is available on the status of these colonies. If work for the proposed project will commence during the nesting season, conduct a field visit to the worksite to look for evidence of nesting colonies. This field visit should take place no more than two weeks before the project begins. If no nesting colonies are found within 400 meters (700 meters for brown pelicans) of the proposed project, no further consultation with LDWF will be necessary. If active nesting colonies are found within the previously stated distances of the proposed project, further consultation with LDWF will be required. In addition, colonies should be surveyed by a qualified biologist to document species present and the extent of colonies. Provide LDWF with a survey report which is to include the following information:

- 1. qualifications of survey personnel;
- survey methodology including dates, site characteristics, and size of survey area;
- species of birds present, activity, estimates of number of nests present, and general vegetation type including digital photographs representing the site; and
- topographic maps and ArcView shapefiles projected in UTM NAD83 Zone 15 to illustrate the location and extent of the colony.

Please mail survey reports on CD to: Louisiana Natural Heritage Program
La. Dept. of Wildlife & Fisheries
P.O. Box 98000
Baton Rouge, LA 70898-9000

To minimize disturbance to colonial nesting birds, the following restrictions on activity should be observed:

- For colonies containing nesting wading birds (i.e., herons, egrets, night-herons, ibis, roseate spoonbills, anhingas, and/or cormorants), all project activity occurring within 300 meters of an active nesting colony should be restricted to the non-nesting period (i.e., September 1 through February 15).
- For colonies containing nesting gulls, terns, and/or black skimmers, all project activity occurring within 400 meters (700 meters for brown pelicans) of an active nesting colony should be restricted to the non-nesting period (i.e., September 16 through April 1).
- The applicant shall notify each oyster lease holder affected within 500 feet of the proposed activity prior to commencement of the proposed activity.
- In order to ensure the safety of all parties, the permittee shall contact the Louisiana One Call System (1-800-272-3020) a minimum of 48 hours prior to the commencement of any excavation (digging, dredging, jetting, etc.) or demolition activity.
- 14. All structures built under the authorization and conditions of this Emergency Use Authorization shall be removed from the site within 6 months of the end of the emergency response and clean-up activities.

15. Standard Louisiana Department of Wildlife and Fisheries (LDWF) Provisions for Coastal Use Permits (CUPs) in currently Unproductive Public Oyster Seed Grounds (LDWF retains the right to amend permit provisions as needed):

Applicant shall provide to the Louisiana Department of Wildlife and Fisheries a water bottom assessment (unless waived by LDWF) that meets LDWF protocol prior to commencement of the activity.

Applicant shall be liable for, and shall compensate the state for, any damages to the oyster seed grounds caused by Applicant or Applicant's contractors during any work done under this permit. Prior to commencement of the permitted activity, applicant will also provide LDWF with the name of an individual in authority who can be contacted regarding any work done under the permit.

Compensation for impacts to the public oyster seed grounds shall be in the form of the planting cultch material (i.e. crushed concrete, limestone, oyster shell, etc) at the rate of 1 cubic yard per acre of impacted area for barren, non-supportive areas of the seed grounds, 50 cubic yards per acre of impacted area for supportive areas, and 187 cubic yards per acre of impacted area for reef areas plus the value of any living oyster resources destroyed. Applicant shall bear the expense of acquisition and deposition of cultch. The cultch shall be deposited by Applicant, Applicant's contractor, or sub-contractor, under the direct supervision of LDWF, and shall be deposited at a time, place, and in a manner prescribed by the Department. In lieu of planting cultch material, Applicant may make payment directly to the Public Oyster Seed Ground Development Account.

Applicant shall not discharge any drilling and/or workover effluent except for flocculated filtered water into the waters in the areas of the proposed activity. Discharge rate of water shall not exceed the rate of filtering.

Applicant shall not discharge any produced waters into the waters in the areas of proposed activity.

Applicant, Applicant's contractors and sub-contractors shall not discharge any human waste from any vessel that does not meet or exceed the requirements of the Department of Health and Hospitals.

If access route traverses a currently productive public oyster area, Applicant shall secure approval of the access route from LDWF and shall ingress and egress to the project location only along the approved route.

EUA 10-067 BP America June 25, 2010 Page 5

Applicant shall establish and maintain, until the permitted activity is complete, along the access route appropriate access route markings for vessels traveling to and from the project location. These markings may be subject to applicable local, state, and federal navigation requirements. These markings shall be sufficient to be used during day and night operations as well as in any climatic and sea condition which may occur during permitted activities.

Applicant shall provide legal representation and indemnification to LDWF for any and all lawsuits and legal claims that may be filed or made against LDWF as a result of the activities by Applicant.

This permit specifically does not authorize prop washing, wheel washing, dredging, or jetting beyond what is shown in the application and drawings. Any changes or variances in the location, access route, volume of material moved and/or magnitude of the area of impact shall require formal application to, and prior written authorization from, the Department of Natural Resources (DNR). The decision by DNR whether to authorize those changes will require consultation by DNR with LDWF in strict adherence to all applicable provisions of the February 3, 2005 Memorandum of Agreement between those two agencies.

Applicant shall have at the project location float booms for containing any spills.

At the discretion of the Secretary or Deputy Assistant Secretary of the Louisiana Department of Wildlife and Fisheries, any activities may be suspended until more favorable conditions prevail.

Applicant shall provide a letter of completion and as-built drawings of the completed project to the Department no later than 60 days following completion of the permitted activity.

At the discretion of LDWF, a post-project bottom contour and side-scan survey may be required. The results of these surveys will be made available to the Department, upon request.

Applicant shall remove or spread any dredged material which is greater than 0.5 feet above original bottom contours.

At the discretion of LDWF, the Applicant may be required to return all or part of water bottoms to pre-project conditions.

All vessels utilized under this permit shall be of such size and loaded in such a manner as to not impact the water bottoms over which they pass.

EUA 10-067 BP America June 25, 2010 Page 6

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 Christine Charrier, Permits Program Manager, at

Sincerely,

Karl Morgan, Administrator

Karl L Moz

AGREED TO AND ACCEPTED this	day of	, 2010
by		
(applicant's signature		

KM/cs

Attachments (green card and plats)

CC: Pete Serio, COE w/plats
David Butler, LDWF w/plats
Peggy Rooney, OCM/SS w/plats
Kirk Kilgen, OCM/FI w/plats
Nick Matherne, Lafourche Parish w/plats

Omi. Houma Cut Off Map Files | Find | Print | Braw | GPS | Route | Profile | 3-0 | Info | NetLink | Map Display _ 1 Detorne Topo USA®. 0000 JI Start

ORM PROCESSING SHEET

Applicant BP Description install policies in Lake Raccource (Eastern Shoreline) to gid in oil abatement into interior wetlands Proj. Manager Davlene Herman PM Code WB Parish Latourche Permit No. MVN- 2010-01473 (Ex.: MVN 2004-2159-CY) Regulatory File Name (40 characters) SP PGP GP 20 NWP LOP Mod: w/PN w/oPN Timex: w/PN w/oPN Authority: (10 ()404 ()10/404 Circle Permit Types: ATF: Y or N PCN: Y or N () Coastal Zone Management Act Procedure Classification: OCZ CUP GP Local Exempt In description field enter (P# & Analyst last name): P201 Date printed on CUP / / Date CUP rec'd / / () Section 401 WQC Procedure In description field enter (WQC# & Analyst last name): WQC# Date printed on WOC / / Date WOC rec'd / / () Within Conservation Plan Boundary (CPB). Date CPB Coordinator contacted / / Mitigation performed within the CPB: Y or N Hydrologic Unit Code (HUC): MITIGATION: Y or N Acreage/type Location DATES Date Rec'd (stamped on application) Jun 122 12010 Date App Assigned Jun 22 12010 Date App Determined Complete __/_/ Date of Receipt of Complete App __/_/ PUBLIC NOTICE: Begin __/_/ End __/_/ Time/ext requested by ____ Date requested __/_/_ Comment period extended until __/_/ ORM Subacts (required): EFH (Essential Fish Habitat): Yes No begin / / end / / ESA (Endangered Species Act): Yes No begin / / end / / Congressional (add under request for action): Yes No begin / / end / / FOIA request (add under request for action): Yes No begin __/__/ end __/ / MEETINGS (number): Pre-app: ___ Dates: __ / _ / _ Site visit: Dates: _ / _ / _ ; _ / _ / Other: Dates: / / ; / / FTO/Date Decision Mailed (date stamped on FTO - closes out EVAL SP, etc.) / / STO (same as Date PMT Signed and End Date - closes out Request for Action) / / Date PMT expires __/_/ PROCESSING TIME (days) FURNISH COPY OF PERMIT TO: () Real Estate Division ()NMFS ()DNR (Conservation Plan Boundary Coordinator) NOTES: 6/22/10- As par Ron D - Spoke to agent concurring Dilingo, Dejent will said add't info.

PROCESSING NOTES

6/24/2010-Space to Mc Lance (BP). Stated he & m Him will
Supply ungo Concern dais project.
6/24/10- Prid duy showing where pilings will be placed.
Ust + Longa Show for each piling.

DECISION DOCUMENT FOR NATIONWIDE PERMIT (NWP)/REGIONAL GENERAL PERMIT (RGP) VERIFICATION

ORM Number: MVN 2010-1473WB
Applicant: BP Oil
Project Location (Waterway, Section, Township, Range, City, County, State): located in vicinity of Lake Raccourci located in Lafourche Parish
Receipt Date: 6/22/2010 Complete: Yes No
Additional Information Requested Date:
Application Complete Date: 6/22/2010
Waters of the US: *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 pilings for the installtion of oil booms in the vicinity of Lake Raccourci located in Lafourche Parish
Project Purpose: prevent oil encroachment into interior marshes
Type of Permit Verified: NWP □, No. RGP⊠, No. 20 PGP I □ II ⊠
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:

	pliance with Other Federal Laws (If specific law is not applicable write N/A in the nt text box):
a)	Endangered Species Act: Name of species present: Effects determination:
	Date of Service(s) concurrence: Basis for "no effect" determination: Additional information (optional):
b)	Magnuson-Stevens Act (Essential Fish Habitat): Name of species present: Effects determination:
	Date of Service(s) concurrence: Basis for "no effect" determination: Additional information (optional):
c)	Section 106 of the National Historic Preservation Act: Known site present: yes no Survey required/conducted: yes no Effects determination: Rationale: Date consultation complete (if necessary): Additional information (optional):
d)	Section 401 Water Quality Certification: PGP I Blanket authorization PGP II Required as condition of permit authorization. Individual certification required: yes no Issued waived denied. Additional information (optional):
e)	Coastal Zone Management Act: PGP I and PGP II Reguired as condition of permit authorization. Individual certification required: yes no Issued acried Additional information (optional):
f)	Wild and Scenic Rivers Act: Project located on designated or "study" river: ☐ yes ☒ no Managing agency: Date written determination provided that the project will not adversely affect the

Wild and Scenic River designation or study status: Additional information (optional):

g)	Others	(Spe	cify)):
-		The state of the state of		

Special Conditions Required: 🛛 yes 🗌 no (If yes, provide rationale for each required condition): Special conditions

Compensatory Mitigation Required: yes in o (If yes, provide rationale for compensatory mitigation required):

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 general permit listed, including any applicable Regional Conditions.

Prepared by:

Title: Eno. Prot. Spen

Reviewed by:

Title: Chief, OD-SE

Date: Juna 4, 2010