

FILE

adh

A.Lacoste-X2281

JUL 08 2010

Operations Division
Eastern Evaluation Section

SUBJECT: (General Permit)NOD-20
BASE FILE: MVN 2010-01337 EKK

Amigo Enterprises, Inc.
Post Office Box 1062
Chalmette, Louisiana 70044

Gentlemen:

This concerns your enclosed communication dated July 2, 2010, relative to your request for an emergency authorization to replace an existing culvert, install a new culvert and implement temporary pumps at Breton Sound Dock, in Hopedale, Louisiana, within St. Bernard Parish; in order to enhance drainage 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.

5. The permittee shall employ siltation controls around all construction sites that require earthwork (clearing, grading, dredging and/or deposition of fill material) such that eroded material is prevented from entering adjacent wetlands and/or waterways.

6. The Chitimacha Tribe of Louisiana has stated that the project area is part of the aboriginal Chitimacha homelands. If during the course of work at the site, prehistoric and/or historic aboriginal cultural materials are discovered, the applicant will contact the Chitimacha Tribe of Louisiana at P.O. Box 661, Charenton, LA 70523, and the Army Corps of Engineers, New Orleans District (CEMVN) Regulatory Branch. CEMVN will initiate the required Federal, State, and Tribal coordination to determine the significance of the cultural materials and the need, if applicable, for additional cultural resource investigations.

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 [REDACTED].

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 Angie D. Lacoste of this office at 504-862-2881.

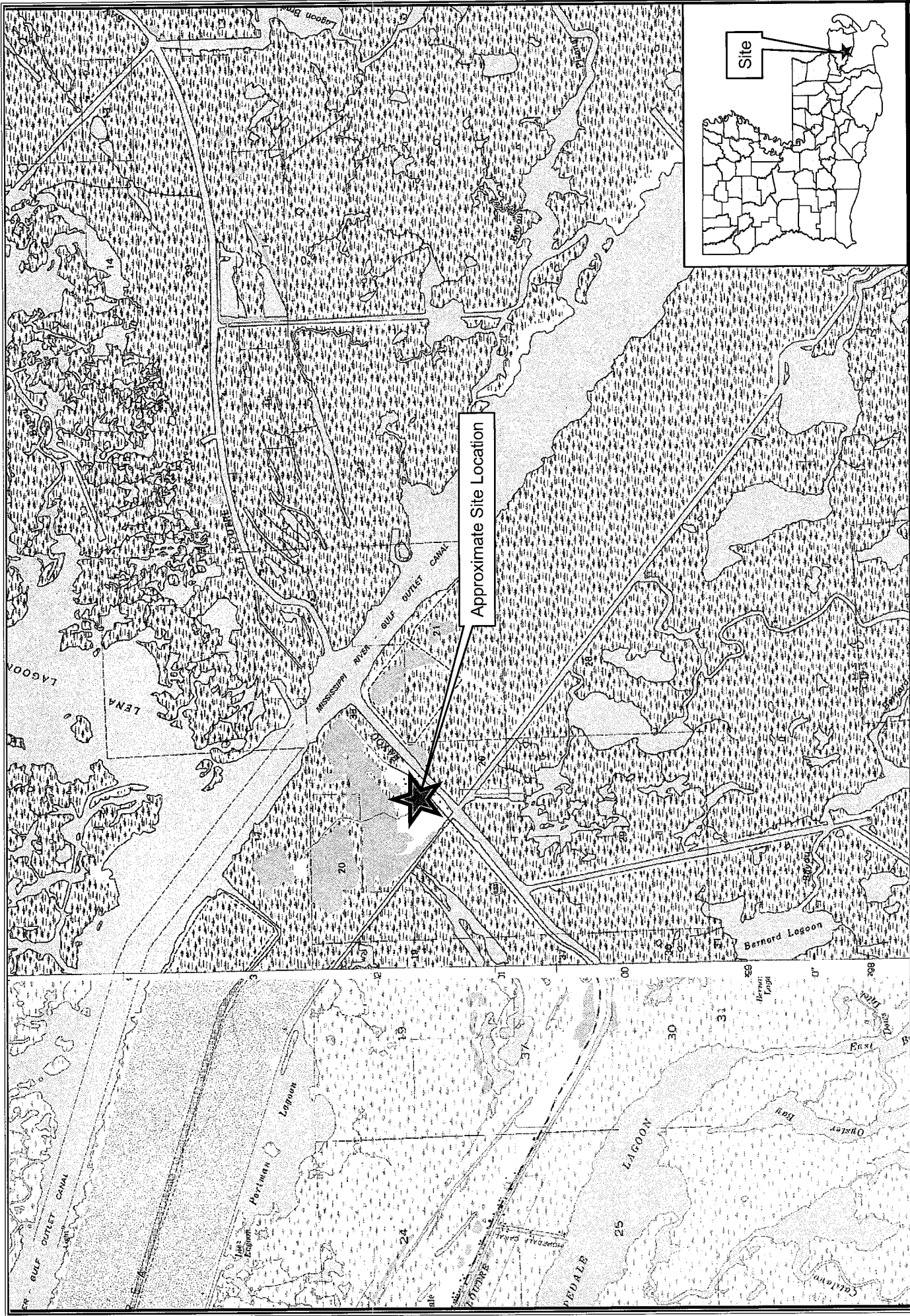
Sincerely,

Pete J. Serio
Chief, Regulatory Branch


Farabee
OD-SE


Serio
OD-S

Enclosure



Approximate Site Location

Site

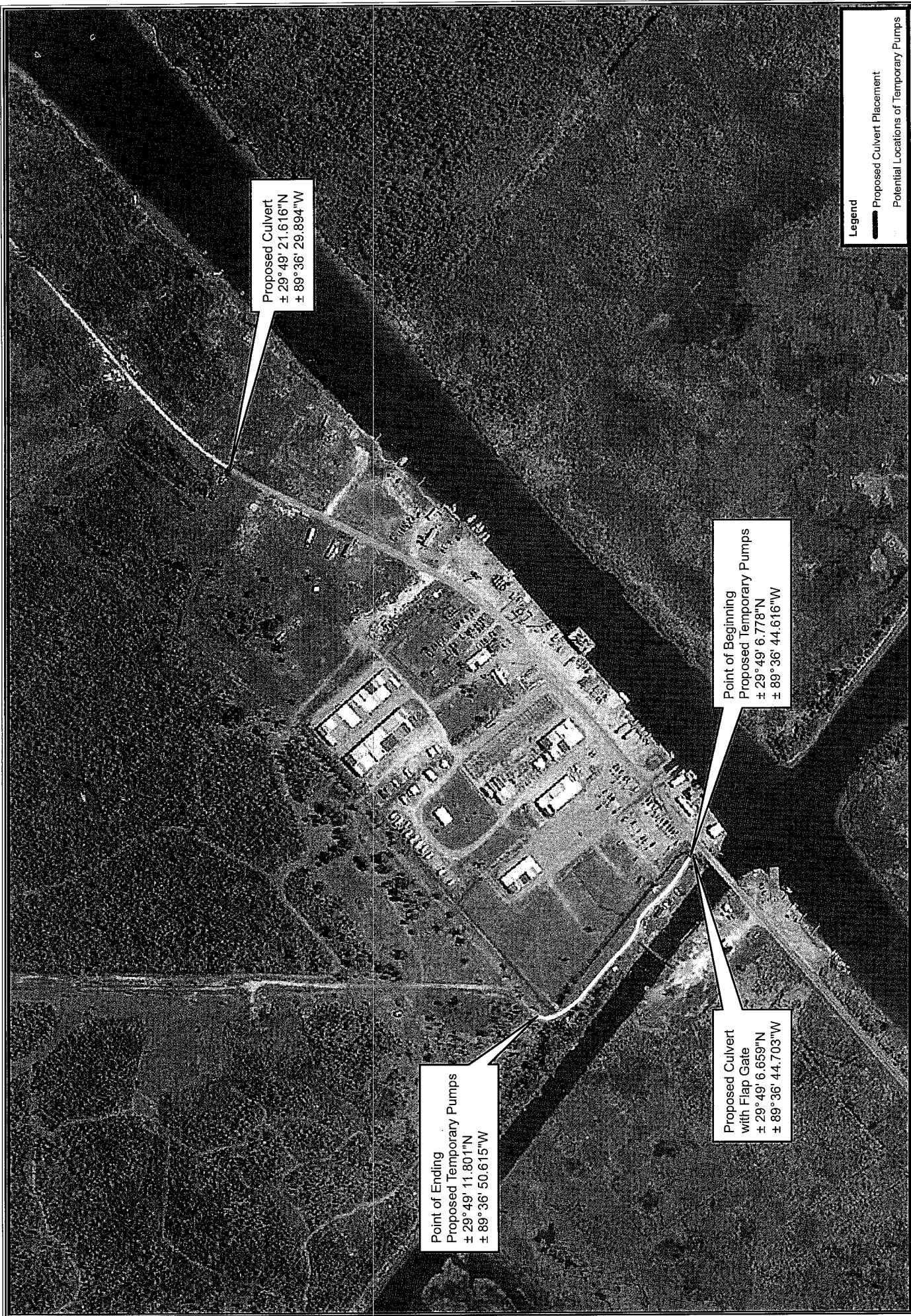
Map prepared from public and proprietary spatial data. Krebs LaSalle Environmental, L.L.C. does not warrant its accuracy or completeness. This map should not be used to establish legal boundaries or specific locations.



Figure 1
Topo Map

**BP Base
Breton Sound Dock
Hopedale, LA**

Krebs LaSalle Environmental, LLC
1580 West Causeway Approach Suite 28, Metairie, LA 70001 • 888-337-6066 (Office) • 888-237-6059 (Fax)



Proposed Culvert
 $\pm 29^{\circ} 49' 21.616''N$
 $\pm 89^{\circ} 36' 29.894''W$

Point of Beginning
 Proposed Temporary Pumps
 $\pm 29^{\circ} 49' 6.778''N$
 $\pm 89^{\circ} 36' 44.616''W$

Proposed Culvert
 with Flap Gate
 $\pm 29^{\circ} 49' 6.659''N$
 $\pm 89^{\circ} 36' 44.703''W$

Point of Ending
 Proposed Temporary Pumps
 $\pm 29^{\circ} 49' 11.801''N$
 $\pm 89^{\circ} 36' 50.615''W$

Legend

- Proposed Culvert Placement
- Potential Locations of Temporary Pumps

Map prepared from public and proprietary spatial data. Krebs LaSalle Environmental, LLC does not warrant its accuracy or completeness. This map should not be used to establish legal boundaries or specific locations.

Figure 2
 2008 Aerials

Scale: 0, 200, 400, 800 Feet

**BP Base
 Breton Sound Dock
 Hopedale, LA**

Krebs LaSalle Environmental, LLC
 1530 West Causeway Approach Suite 25, Mandeville, LA 70471 • 985-337-6656 (Office) • 985-337-4059 (Fax)

E:\ALE\Breton Sound Culvert\GIS maps\Master



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
Regulatory Branch

SEP 13 2007

SUBJECT: MVN-1997-4840-CX
(General Permit)NOD-20

SPECIAL PUBLIC NOTICE

ANNOUNCEMENT OF GENERAL PERMIT TIME EXTENSION
FOR EMERGENCY OPERATIONS
WITHIN THE NEW ORLEANS DISTRICT

On March 9, 2007, this district issued a public notice announcing consideration of a time extension to the general permit for emergency operations. All available information and comments were considered in determining that the overall public interest would be best served by issuing the time extension. A copy of the extended general permit for emergency operations is attached.

We have reserved the right to modify, suspend, or revoke this general permit any time we determine it is in the public's interest to do so. Interested parties are invited to submit written comments or suggestions for modifications or improvement of this general permit to the Regulatory Branch of this district at any time.

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

A handwritten signature in cursive script that reads "Pete Serio".

Pete J. Serio
Chief, Regulatory Branch

Attachment



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
Regulatory Branch

SEP 13 2007

SUBJECT: MVN-1997-4840-CX
(General Permit)NOD-20

GENERAL PERMIT
EMERGENCY OPERATIONS
WITHIN THE NEW ORLEANS DISTRICT

Authorization No.: (General Permit)NOD-20
Initial Effective Date: November 1, 1982
Expiration Date: October 31, 2012

Under authorization granted by Part 325.8(b) of Title 33, Code of Federal Regulations, the District Commander at New Orleans has granted this general permit for certain emergency operations as described. This permit authorizes work and structures under the following legislation:

- a. Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 USC 403).
- b. Section 404 of the Clean Water Act (33 USC 1344).

This permit does not authorize any work under Section 9 of the Rivers and Harbors Act of March 3, 1899 (33 USC 404) or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413).

This permit is applicable only within the boundaries of the New Orleans District of the U.S. Army Corps of Engineers.

Work authorized by this general permit is the minimum amount necessary to respond to such emergencies as oil or gas well blowouts, pipeline explosions or ruptures, explosions, fires, oil or hazardous materials spills, and shipwrecks or sinkings of vessels in navigation channels or similar situations which would result in an imminent safety and/or environmental hazard, loss of property, or immediate economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process an application.

Approval to perform work under this general permit does not replace normal permitting approval required under our regulations. Authorization under the general permit is a temporary approval to allow the applicant to perform work under emergency situations. After the emergency situation has been addressed, the applicant must either restore the site to as near pre-project conditions as practical, or must apply for a permit to maintain the work initially authorized under the general permit. Permit applications to maintain work initially authorized under this general permit would be processed in the normal manner to include a public notice, water quality certification from the Louisiana Department of Environmental Quality, and coastal use permit or other approval from the Louisiana Department of Natural Resources, Coastal Management Division, where applicable.

The activities authorized by this general permit include, but are not limited to:

- a. Emergency placement of a drilling rig in open waters to drill a shutoff well.
- b. Emergency dredging and disposal of dredged material for movement of equipment to evacuate personnel, fight fires, shutoff blow-out wells, install and service pollution control equipment, and repair ruptured pipelines.
- c. Emergency dredging and placement of fills to collect and confine oil or hazardous materials.
- d. Emergency dredging and deposition of dredged material to remove or re-float grounded, wrecked, burned out or sunken vessels blocking major navigation channels.
- e. Emergency placement of fills to provide access to a location for placement of drilling rigs to drill shutoff wells.

In addition to the applicable conditions of our standard permit form (copy enclosed), the following conditions apply to this general permit:

- a. Dredging and other activities will be the minimum necessary to meet the emergency.
- b. Restoration is required in accordance with the following:
 - (1) Restoration plans must be submitted to the Regulatory Branch of this district within 30 days of the date when the approval was granted by the New Orleans District for the emergency work under the general permit.
 - (2) The District Commander will consult with appropriate federal, state, and local agencies prior to approval of restoration plans.
 - (3) The restoration work must begin within 30 days of approval of plans or lesser time when so specified by the District Commander or his representative, unless a specific time extension is granted by the New Orleans District.
 - (4) Once begun, restoration work will be diligently prosecuted until completed.

(5) Disturbed wetland areas shall be restored to as near preproject conditions as practicable.

c. In appropriate cases when it may be in the public interest to allow maintenance of structures, fills, or dredged areas installed under this general permit authorization, permittees must apply for and receive a Department of the Army permit. If the permit application is denied, restoration will proceed in accordance with condition b., immediately above.

d. Applications to maintain facilities authorized by this general permit must be submitted within 30 days of the date when the approval was granted by the New Orleans District for the emergency work under the general permit, unless a specific time extension is granted by the New Orleans District. Permit applications will be processed using regular procedures, including a public notice where applicable.

e. Requests to maintain facilities authorized under this general permit must include a completed application form, letter-sized drawings illustrating the location and scope of the work, and be mailed to the Regulatory Branch at the letterhead address above. Applications for work in the Louisiana Coastal Zone must also be sent to the Louisiana Department of Natural Resources, Coastal Management Division.

f. This general permit may be modified, suspended, or revoked by the District Commander any time it is found to be in the public interest to do so.

g. Approval under this general permit does not relieve permittees from obtaining emergency permits or other approvals from any required state or local agency, or the consent of the landowner. For emergency work within the Louisiana Coastal Zone, applicant's must also contact Louisiana Department of Natural Resources, Coastal Management Division (CMD) at (225) 342-7591 for specific approval before performing the emergency work. CMD has a similar emergency general permit, CUP-GP-29.

h. Other conditions may be added in individual approvals for work under this general permit to address site specific conditions or situations.

Procedures to be followed in administering this general permit are as follows:

a. The initial contact may be made in person or by telephone to one of the following numbers.

(1) Regulatory Branch
(504) 862-2255

(2) Eastern Evaluation Section
(504) 862-2044

(3) Central evaluation Section
(504) 862-2276

(4) Western Evaluation Section
(504) 862-2261

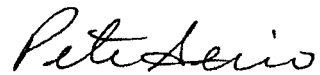
For work within the Louisiana Coastal Zone also contact the Louisiana Department of Natural Resources, Coastal Management Division at (225) 342-7591.

b. Authorization under this general permit may be granted upon initial contact provided the requester can present sufficient information on the location, nature, and extent of the work to establish that the emergency situation exists. Depending on the extent of the emergency, immediate verbal authorization may be granted to perform the work, however, in other cases a written request explaining the emergency, with sketches and maps, may be needed to establish that the project qualifies for approval under the provisions of the emergency general permit.

c. If authorization to proceed is granted at the initial contact, the permittee must supply written documentation of the work to be done within 1 working day of the approval being granted, including necessary maps, drawings, and sketches.

d. Permittees will supply all other information necessary to establish a complete file.

e. Written approval will be granted after all necessary information has been provided.



Pete J. Serio
Chief, Regulatory Branch

Enclosures

DECISION DOCUMENT FOR EMERGENCY PERMITTING VERIFICATION, NOD-20

ORM Number: MVN 2010-01337 EKK

Applicant: Amigo Enterprises, Inc.

Project Location (Waterway, Section, Township, Range, City, County, State): Off Bayou La Loutre, in Hopedale, St. Bernard Parish, Louisiana.

Receipt Date: July 8, 2010 Complete: Yes No

Additional Information Requested Date: no

Application Complete Date: July 8, 2010

Waters of the US: yes

*see Jurisdictional Determination form(s) dated: n/a

Authority: Section 10 Section 404 Section 103

Project Description (Describe activities in waters of the U.S. authorized by verification):
Replace an existing culvert, install a new culvert and implement temporary pumps.

Project Purpose: To enhance drainage at Breton Sound Dock in order to expedite access and facilitate clean up of the Deepwater Horizon Oil Spill.

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: N/A

Substantive Issues and Corps Resolution: 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

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): A biological opinion to be rendered by the SHPO upon review of the after-the-fact permit application.

d) Section 401 Water Quality Certification:

Individual certification required: yes no

Issued waived denied

Additional information (optional): Agency coordination will be conducted during review of the after-the-fact permit application.

e) Coastal Zone Management Act:

Individual certification required: yes no

Issued waived denied

Additional information (optional): The Department of Natural Resources, Office of Coastal Management issued Emergency Authorization EUA 10-078 July 9, 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):

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

General Conditions of the NOD-20 emergency authorization incorporated into the NOD-20 permit instrument, as well as Section 10 conditions, a Chitamacha Tribe condition and a condition requiring siltation controls to prevent eroded material from entering adjacent wetlands and/or waterways. . Specific conditions may be incorporated as part of the after-the-fact Individual Permit, pending submittal and processing of the application.

Compensatory Mitigation Required: yes no (If yes, provide rationale for compensatory mitigation required): A final decision on Compensatory Mitigation will be made upon completion of the forthcoming after-the-fact 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: Angie Lacoste Angie Lacoste

Reviewed by: Michael Farabee Michael Farabee

Date: July 8, 2010

Krebs LaSalle Environmental, LLC

1580 West Causeway Approach Suite 2B, Mandeville, LA 70471 • 985-237-6056 (Office) • 985-237-6059 (Fax)

July 2, 2010

Subject: Emergency Use Request
BP Oil Spill Response-Culverts
Breton Sound Dock
St. Bernard Parish, Louisiana

Dear Unified Command:

On behalf of Amigo Enterprises and the Breton Sound Dock, Krebs LaSalle Environmental, LLC (KLE) is requesting emergency authorization from appropriate governing agencies to replace an existing culvert, install an additional culvert, and implement temporary pumps to alleviate flooding conditions.

The Breton Sound Dock is serving as a major base of operations for BP's oil spill response efforts. The rise of surrounding waters or heavy rainfall could cause flooding to much of BP's base of operations. Any shutdown of operations due to flooding would be detrimental to the oil spill cleanup efforts.

The current culvert, which is approximately 24" in diameter with a flap gate, is proposed to be replaced by either two culverts of approximately 48" in diameter or a single culvert approximately 60" in diameter with flap gate(s). In addition to the new culvert(s), temporary pumps would be placed on the top of the road/levee to pump water from the interior area to the exterior canal. The pumps will be placed as needed along the existing road. In addition to these improvements, an additional 48" diameter culvert will be installed at another location to relieve ponding that is resulting from site improvements.

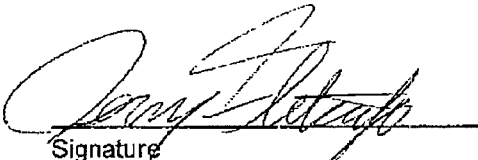
Enclosed is a vicinity map indicating the location of the culverts and the proposed locations of temporary pumps as well as a preliminary project layout depicting their relationship to the existing spill response infrastructure at the site.

We would appreciate your acknowledgement of support for this project by signing below. If you would like to further discuss the enclosed information, please do not hesitate to contact me at [REDACTED] (office), [REDACTED] (fax), or email at lwatkins@kllconsultants.com. Thank you for your consideration.

Sincerely,
Krebs LaSalle Environmental, LLC



Lucas Watkins
President/Environmental Scientist



Signature
Jerry Flitecraft
Print

7/6/2010
Date

F:\KLE\Breton Sound Culvert\Documents\Emergency Request - Unified Command.docx

Krebs LaSalle Environmental, LLC

1580 West Causeway Approach Suite 2B, Mandeville, LA 70471 • 985-237-6056 (Office) • 985-237-6059 (Fax)

July 2, 2010

Attn: Mr. Pete Serio
U.S. Army Corps of Engineers
New Orleans District
Regulatory Branch
Post Office Box 60267
New Orleans, LA 70160-0267

Attn: Mr. Karl Morgan
La. Dept of Natural Resources
Office of Coastal Management
P.O. Box 44487
Baton Rouge, La. 70804-4487

Attn: Mr. William McCartney
Coastal Zone Administrator
St. Bernard Parish
8201 W. Judge Perez Dr.
Chalmette, LA 70043

Subject: Emergency Use Request
BP Oil Spill Response-Culvert Replacement
Breton Sound Dock
St. Bernard Parish, Louisiana

Gentlemen:

On behalf of Amigo Enterprises and the Breton Sound Dock, Krebs LaSalle Environmental, LLC (KLE) is requesting emergency authorization from appropriate governing agencies to replace an existing culvert, install an additional culvert, and implement temporary pumps to alleviate flooding conditions.

The Breton Sound Dock is serving as a major base of operations for BP's oil spill response efforts. The rise of surrounding waters or heavy rainfall could cause flooding to much of BP's base of operations. Any shutdown of operations due to flooding would be detrimental to the oil spill cleanup efforts.

The current culvert, which is approximately 24" in diameter with a flap gate, is proposed to be replaced by either two culverts of approximately 48" in diameter or a single culvert approximately 60" in diameter with flap gate(s). In addition to the new culvert(s), temporary pumps would be placed on the top of the road/levee to pump water from the interior area to the exterior canal. The pumps will be placed as needed along the existing road. In addition to these improvements, an additional 48" diameter culvert will be installed at another location to relieve ponding that is resulting from site improvements.

Enclosed is a vicinity map indicating the location of the culverts and the proposed locations of temporary pumps as well as a preliminary project layout depicting their relationship to the existing spill response infrastructure at the site.

Please notify us of the emergency authorization. If you would like to further discuss the enclosed information, please do not hesitate to contact me at [REDACTED] (office), [REDACTED] (fax), or email at lwatkins@kllconsultants.com. Thank you for your consideration.

Sincerely,
Krebs LaSalle Environmental, LLC



Lucas Watkins
President/Environmental Scientist

F:\KLE\Breton Sound Culvert\Documents\Emergency Request - general.docx

Arnold, Dirreen S MVN

From: Farabee, Michael V MVN
Sent: Thursday, July 08, 2010 9:25 AM
To: Arnold, Dirreen S MVN
Cc: Lacoste, Angie D MVN
Subject: FW: EUA 10-078-Breton Sound Dock Improvements

Attachments: EUA 10- 078 - Amigo Enterprises-Breton Sound Dock.pdf



EUA 10- 078 -
Amigo Enterprise...

Dirreen, and one more. Thank you.

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: Farabee, Michael V MVN
Sent: Thursday, July 08, 2010 9:18 AM
To: Lacoste, Angie D MVN; Marino, Melissa L MVN
Cc: Serio, Pete J MVN
Subject: FW: EUA 10-078-Breton Sound Dock Improvements

Melissa: This one will be Angie's, I'd like you to open another NOD-20 under 2010-1337 since this is a modification/addition to that original work. This work will specifically be to upgrade existing culverts, install new culverts and install temporary pump station to enhance drainage within the existing levee system.

Thanks, *Temp pump* POB 29.81855 - 89.61239
Michael V. Farabee POE 29.81994 - 89.61406
New Orleans District
Regulatory Branch
Chief, Eastern Evaluation Section *culvert* 29.82267
(504) 862-2292 - 89.6083
(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: Sharon McCarthy [mailto:Sharon.Trahan@LA.GOV]
Sent: Thursday, July 08, 2010 8:31 AM
To: Tim Killeen; David Butler; 'rcdavis@wlf.la.gov'; 'mweigel@wlf.la.gov'; 'kbalkum@wlf.louisiana.gov'; Thomas Bernard; Kenneth Bahlinger; Farabee, Michael V MVN; 'richard.hartman@noaa.gov'; Billy Wall; 'wmccartney@sbgp.net'
Subject: EUA 10-078-Breton Sound Dock Improvements

To whom it may concern: *culvert w/ flap gate*
29.81852 - 89.61242
1

Please provide feedback as to the possible impacts the proposed project may have upon the ecological/hydrological features in the vicinity as well as your opinion of the justification/need, or offer suggestions for alternatives to the proposed project. I have attached the Request Letter and Plats for the Emergency Use Permit for your reference.

Special Features include:

WRDA projects or CRED project features: BS-08 Caernarvon Freshwater Diversion and PO-24 Hopedale Hydrologic Restoration

Master Plan Feature: Restore Bayou La Loutre Ridge

Please provide comment by the close of the business day, preferably sooner if possible.

Thank You

Sharon McCarthy

Coastal Resources Scientist

DNR/Office of Coastal Management

ph. [REDACTED]

fax [REDACTED]