

Operations Division
Eastern Evaluation Section

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

JUN 1 1 2010

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

### Gentlemen:

This concerns your enclosed communication dated June 9, 2010, relative to your request for an emergency authorization to upgrade existing roads, construct a new roadway along the crown of an existing private levee and install a pump station at Breton Sound Dock, in Hopedale, Louisiana, within St. Bernard 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.

- 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

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 <a href="http://per2.nwp.usace.army.mil/survey.html">http://per2.nwp.usace.army.mil/survey.html</a>.

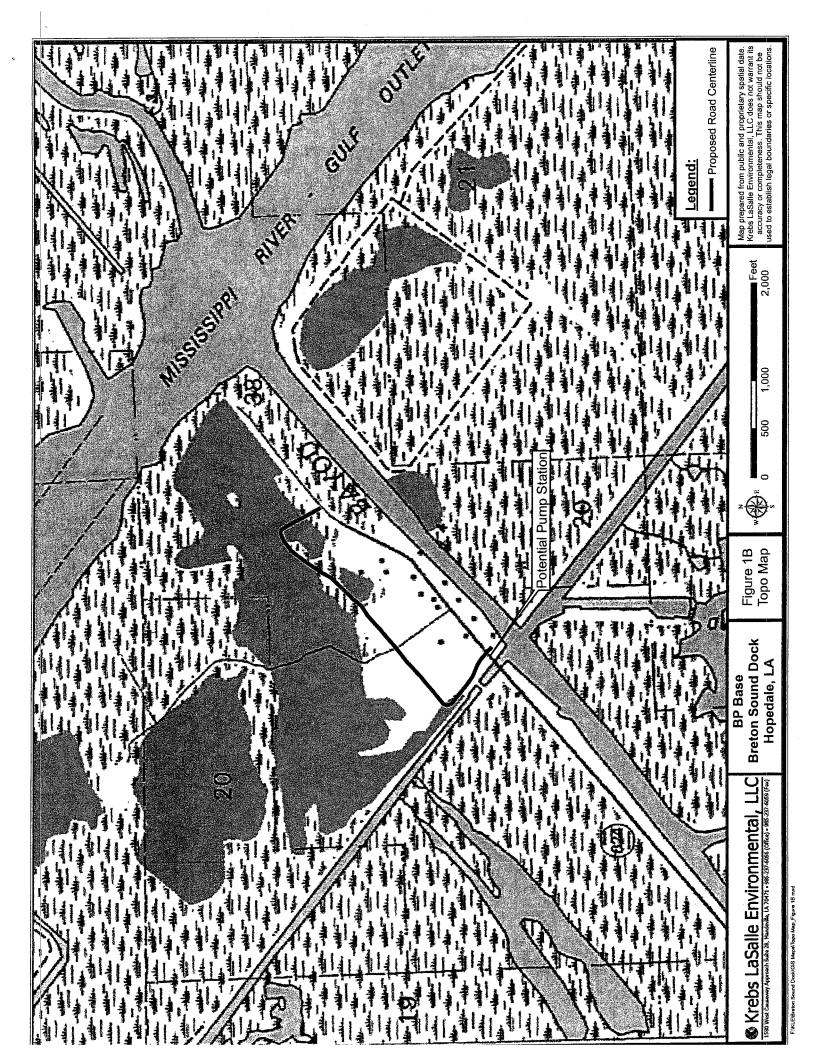
Should you have any further questions concerning this matter, please call Angie D. Lacoste of this office at 504-862-2881.

Sincerely,

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

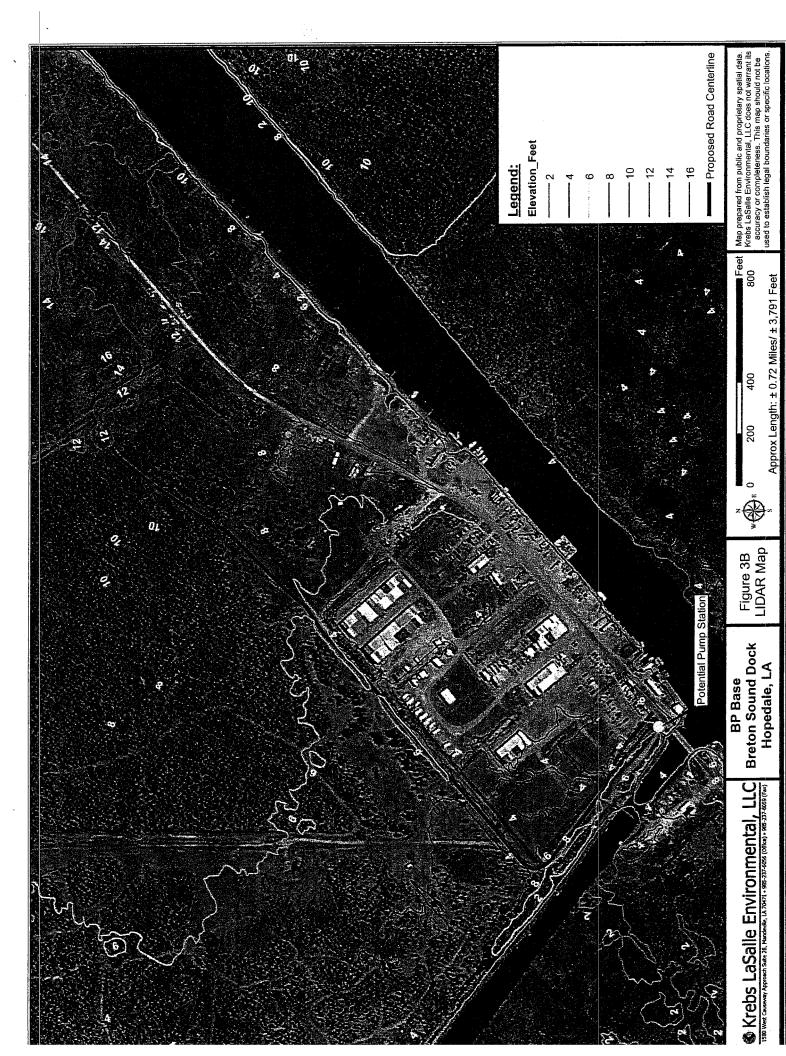
Serio OD-S

Enclosure



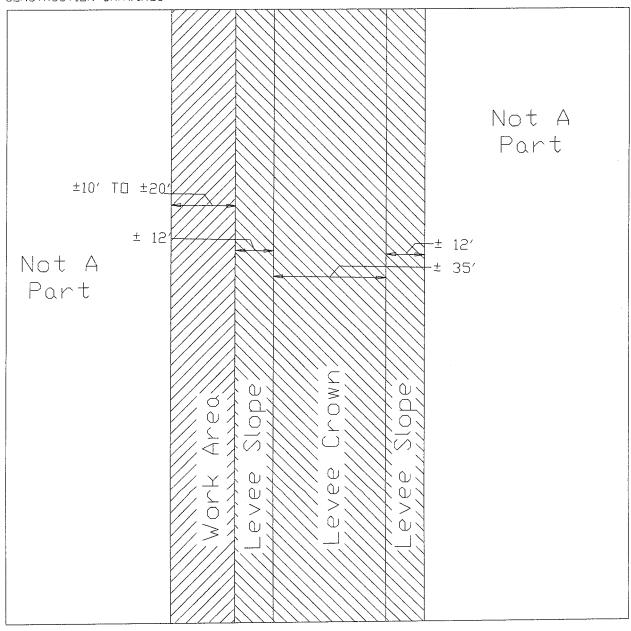


KLE/Breton Sound Dock/GIS Maps/2008 Aerial Map\_Figure 2B.m



## Typical Proposed Levee/Road Plan View

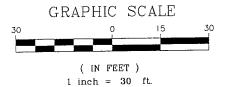
PERMIT DRAWINGS ARE SUBJECT TO FIELD MODIFICATIONS AND CONSTRUCTION DRAWINGS



NOTES:

ONLY INTENDED FOR JOINT PERMIT APPLICATION PROCESS

NOT FOR ENGINEERING, SURVEYING, PARISH APPROVAL, OR ANY OTHER USES

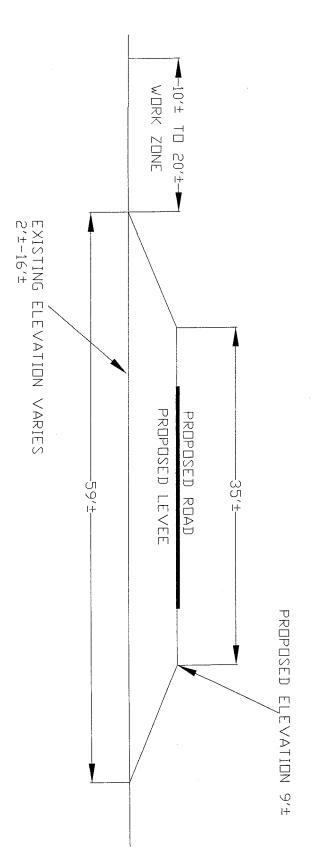


<u>Legend</u>:

Work Area Fill Area

Krebs LaSalle Environmental, LLC Breton Sound Dock Hopedale, Louisiana MAD PREPARED FROM PUBLIC AND PROPRIETARY SPATM, DATA KREBS, LASALLE, LAMEAUX, INC. DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS, THIS MAP SHOULD NOT BE USED TO ESTABLISH LEGAL BOUNDARIES OR SPECIFIC LOCATIONS. Typical Road Plan View FIGURE

# TYPICAL PROPOSED LEVEE CROSS SECTION



PROPOSED LEVEE EXISTS IN SOME PARTS. THE LEVEE ELEVATION WILL BE RAISED IN EXISTING PORTIONS.

GRAPHIC SCALE

( IN FEET )
1 inch = 10 ft.

580 W. Causeway Approach 2B , Mandeville, LA 70471 Phone 985-510-60:

FUREST MANAGEMENT . ENVIRONMENTAL MONITORING . MITIGATION CONSULTATION

KREBS LASALLE ENVIRONMENTAL, LLC VELLAND BELIMANIBM - PERMIT APPLICATIONS - ENBANGERED SPECIES SIEVEY

PERMIT DRAWINGS ARE SUBJECTO FIELD MODIFICATIONS AND CONSTRUCTION DRAWINGS

BRETON SOUND DOCK
ST. BERNARD PARISH
TYPICAL CROSS SECTION

ONLY INTENDED FOR JOINT PERMIT APPLICATION PROCESS

NOT FOR ENGINEERING, SURVEYING, PARISH APPROVAL, OR ANY OTHER USES

# Krebs LaSalle Environmental, LLC

1580 W. Causeway Approach, Suite 2B, Mandeville, La. 70471 • 985-237-6056 (Office) • 985-951-8245 (Fax)



Photo 1: Levee looking northeast.

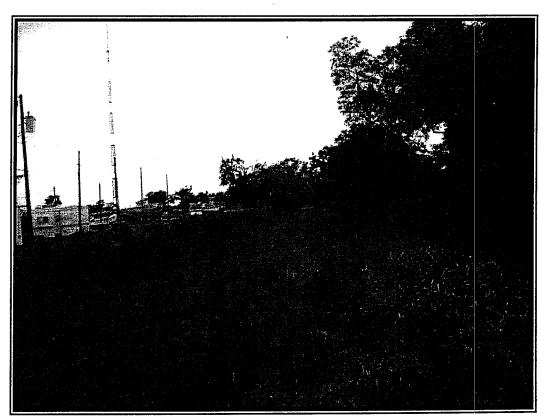


Photo 2: Levee looking southwest.

# Krebs LaSalle Environmental, LLC

1580 W. Causeway Approach, Suite 2B, Mandeville, La. 70471 • 985-237-6056 (Office) • 985-951-8245 (Fax)



Photo 3: Levee looking southwest.

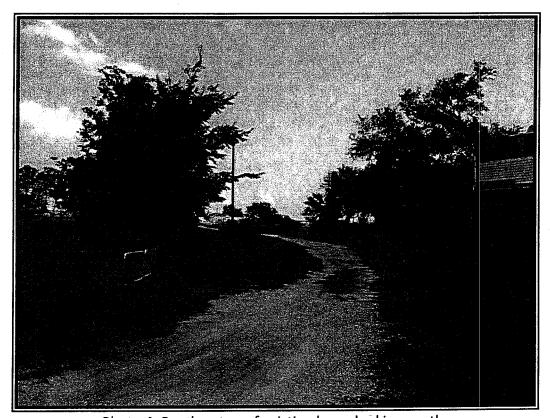


Photo 4: Road on top of existing levee looking south.



# DEPARTMENT OF THE ARMY NEW ORLEANS DISTRICT, CORPS OF ENGINEERS P.O. BOX 60267 NEW ORLEANS, LOUISIANA 70160-0267

SEP 13 2007

Operations Division Regulatory Branch

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:

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 <u>not</u> replace normal permitting approval required under our regulations. Authorization under the general permit is a <u>temporary approval</u> 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 preproject 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 <u>must</u> 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 <u>also</u> 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

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**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 of Bayou La Loutre, in Hopedale, St. Bernard Parish, Louisiana.
Receipt Date: June 9, 2010 Complete: Yes No
Additional Information Requested Date: no
Application Complete Date: June 9, 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): Upgrade existing roads, construct a new roadway on the crown of an existing private levee and install a new pump station.
Project Purpose: Provide expedited access to facilitate clean-up efforts as a result 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: June 11, 2010  Commenting Agencies:  US Fish and Wildlife Service Nus Environmental Protection Agency Nustional Marine Fisheries Service Nustate Agency (if checked, list commenting state agencies) LA Dept.  Wildlife and Fisheries, LA Dept. of Environmental Quality, LA Dept. of Natural Resources  State Historic Preservation Office Cother:  Substantive Issues and Corps Resolution: Coordination conducted with all pertinent resource agencies. Special conditions incorperated as part of the emergency
authorization.

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: Notification was provided to the US Fish and Wildlife Service (USFWS) and Louisiana Department of Wildlife and Fisheries (LDWF) on June 11, 2010.

Name of species present: N/A

Effects determination: USFWS does not object to the proposed activity provided mitigation is undertaken for all wetland impacts and the removal of the borrow from existing Corps of Engineers borrow pits does not result in the need to expand that or other borrow pits into wetlands. LDWF had no objection provided all forested vegetation cleared during construction activities would be removed and hauled offsite to a non-wetland disposal location, or chipped and disposed of in a manner that is beneficial to the surrounding environment.

Date of Service(s) concurrence: June 11, 2010 Basis for "no effect" determination: N/A

Additional information (optional): USFWS and LDWF's comments will be evaluated during review of the ATF permit application.

b) Magnuson-Stevens Act (Essential Fish Habitat): Notification was provided to the National Marine Fisheries Service (NMFS) on June 11, 2010. NMFS had no objection provided maximum extent practicable measures are taken to avoid and minimize potential direct and indirect impacts to wetlands. Compensatory mitigation should be required for any unavoidable impacts to wetlands. Any sections of the road within wetlands on the enclosed side should be required to have one 24-inch culvert every 500-feet consistent with typical board road requirements.

Name of species present: N/A Effects determination: N/A

Date of Service(s) concurrence: June 11, 2010

Basis for "no effect" determination: N/A

Additional information (optional): NMFS recommendation will be evaluated during review of the ATF permit application.

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 completion of the project and review of the ATF application.

Individual certification required:  yes  no  Issued  waived  denied  .  Additional information (optional): Individual certification requirements will
be coordinated during the ATF process.
e) Coastal Zone Management Act: Individual certification required:  yes no Issued waived denied Additional information (optional): Emergency Authorization EUA 10-054 was issued by the DNR on June 11, 2010.
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 (Specify):
Special Conditions Required: yes no (If yes, provide rationale for each required condition): General Conditions of the NOD-20 emergeny 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 ATF Individual 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.
<b>Determination:</b> 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  Reviewed by: Multiplicate Michael Farabee
Reviewed by: Muthan Michael Farabee
Date: June 11, 2010

### Lacoste, Angie D MVN

From:

Ettinger.John@epamail.epa.gov Friday, June 11, 2010 11:38 AM

Sent: To:

Lacoste, Angie D MVN

Cc:

Landers.Timothy@epamail.epa.gov; Miller.Clay@epamail.epa.gov; McCormick.Karen@epamail.epa.gov; Watson.Jane@epamail.epa.gov;

Woodka.Janet@epamail.epa.gov; Honker.William@epamail.epa.gov; EOC\_Water;

hall.rosemary@epa.gov

Subject:

Re: FW: Amigo Enterprises Request for Emergency Authorization to Improve Existing Road

and Install Pump Station at Breton Sound Dock in St. Bernard Parish

Angie,

Thank you for coordinating with EPA on this matter. Following are our comments.

We understand the current emergency situation would preclude a lengthy analysis of alternatives. We do, however, ask whether there would be an environmental and logistical advantage to widening the existing road (Hopedale Highway) -- if feasible. Similarly, would it be preferable to shorten the length of the proposed road by routing back to Hopedale Highway on the immediate northeastern periphery of the developed area within the existing levee? We would request that the applicant quickly assess whether such options might be feasible and environmentally preferable. The applicant should then delineate jurisdictional wetlands that would be impacted after all such avoidance and minimization has been completed. Compensatory mitigation would be required for any unavoidable wetland impacts. Additionally, if an emergency authorization were granted for this project, it should include a condition which requires the applicant to remove the road, any new levee, and the pump station immediately after the oil spill response has been completed.

Thanks again. Please let me know if you have questions or would like to discuss this matter.

John Ettinger U.S. EPA Region 6

ettinger.john@epa.gov

From: Lacoste, Angie D MVN

Sent: Friday, June 11, 2010 11:06 AM To: Ettinger, John F MVN-Contractor

Subject: FW: Amigo Enterprises Request for Emergency Authorization to Improve Existing Road and Install Pump Station at Breton Sound Dock in St. Bernard

Parish

From: Lacoste, Angie D MVN

Sent: Friday, June 11, 2010 11:01 AM

To: 'Seth\_Bordelon@fws.gov'; 'kbalkum@wlf.louisiana.gov';
'richard.hartman@noaa.gov'; 'John.Ettinger@epamail.epa.gov';
'Patrick.Williams@noaa.gov'; 'Jay.Pecot@LA.GOV'; 'christine.charrier@la.gov';
Walther, David; 'karl.morgan@la.gov'; Schindler, Paige P MVN; Schneider,
Donald C MVN; Brown, Jane L MVN; 'Jamie Phillippe'; 'Butler, Dave'
Subject: Amigo Enterprises Request for Emergency Authorization to Improve

Existing Road and Install Pump Station at Breton Sound Dock in St. Bernard Parish

Amigo Enterprises proposes to improve an existing roadway to relieve traffic congestion at security check-in and install a new pump station to drain the interior ditch. Project impacts consist of less than 0.2 acres of wetlands. Additional roadways may be constructed in non-wetland areas between the proposed roadway improvement and Hopedale Highway.

Please review the attached request and drawings and provide comment by 2:00pm today. Lack of comment will be construed as no objection.

Angie D. Lacoste USACE, Regulatory 504.862.2281

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

[attachment "Amigo Enterprises.pdf" removed by John Ettinger/R6/USEPA/US]

### Lacoste, Angie D MVN

From:

Richard Hartman [Richard.Hartman@noaa.gov]

Sent:

Friday, June 11, 2010 1:51 PM

To:

Lacoste, Angie D MVN

Cc: Subject: Joseph "Jay" Pecot; patrick.williams; christine.charrier@la.gov; david.walther@fws.gov Re: Amigo Enterprises Request for Emergency Authorization to Improve Existing Road and

Install Pump Station at Breton Sound Dock in St. Bernard Parish

Angie - NMFS has reviewed the proposed emergency authorization request for Amigo Enterprises to construct a road around the Breton Sound Marina in Hopedale, St. Bernard Parish, Louisiana. The road would follow an existing spoil bank for a major part of the distance and the majority of impacts would not be to tidally influenced wetlands.

We recommend that to the maximum extent practicable measures be taken to avoid and minimize potential direct and indirect impacts to wetlands.

Compensatory mitigation should be required for any unavoidable impacts to wetlands. Any authorized sections of road with wetlands on the enclosed side should be required to have one 24-inch culvert every 500-ft consistent with typical temporary board road requirements.

Thank you for coordinating with NMFS.

Richard Hartman National Marine Fisheries Service Baton Rouge office

Lacoste, Angie D MVN wrote:

<<Amigo Enterprises.pdf>>

Amigo Enterprises proposes to improve an existing roadway to relieve traffic congestion at security check-in and install a new pump station to drain the interior ditch. Project impacts consist of less than 0.2 acres of wetlands. Additional roadways may be constructed in non-wetland areas between the proposed roadway improvement and Hopedale Highway.

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Angie D. Lacoste

USACE, Regulatory

504.862.2281

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

//

### Lacoste, Angie D MVN

David\_Walther@fws.gov From:

Friday, June 11, 2010 11:55 AM Sent:

Lacoste, Angie D MVN To:

christine.charrier@la.gov; Jay.Pecot@LA.GOV; John.Ettinger@epamail.epa.gov; Cc: karl.morgan@la.gov; kbalkum@wlf.louisiana.gov; Patrick.Williams@noaa.gov;

richard.hartman@noaa.gov; Seth\_Bordelon@fws.gov; Butler, Dave; Schneider, Donald C

MVN; Jamie Phillippe; Brown, Jane L MVN; Schindler, Paige P MVN

Re: Amigo Enterprises Request for Emergency Authorization to Improve Existing Road and Subject:

Install Pump Station at Breton Sound Dock in St. Bernard Parish

Attachments: pic21003.gif; graycol.gif; ecblank.gif

Ms. Lacoste,

The U.S. Fish and Wildlife Service (Service) has received your June 11, 2010, electronic mail requesting our comments regarding Krebs LaSalle Environmental, LLC request on behalf of Amigo Enterprises and the Breton Sound Dock to construct/upgrade approximately 0.72 miles of roadway. That construction would result in impacts to approximately 0.2 acres of wetlands. dulverts and possibly a pump station would also be constructed. The comments below are submitted in accordance with the technical assistance provisions of the Fish and Wildlife doordination Act (FWCA; 48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), but do not constitute the report of the Secretary of the Interior as required by Section 2(b) of that Act.

 $\dagger$ he Service does not object to the proposed activity provided mitigation is undertaken for all wetland impacts and the removal of borrow from existing Corp of Engineers borrow pits does not result in the need to expand that or other borrow pits into wetlands to provide borrow for future Corps of Engineers construction.

The Service requests that the Corps reinitiate coordination if any modifications to the proposed permit are necessary.

Thank you for the opportunity to provide these comments.

David Walther US Fish and Wildlife Service Lafayette, LA

Τo

Inactive hide details for "Lacoste, Angie D MVN" < Angie.D.Lacoste@usace.army.mil > "Lacoste, Angie D MVN" < Angie.D.Lacoste@usace.army.mil >

> "Lacoste, Angie D MVN" < Angie.D.Lacoste@usace.army.mil> 06/11/2010 11:01 AM

"Seth Bordelon@fws.gov" <'Seth Bordelon@fws.gov'>, "kbalkum@wlf.louisiana.gov" 'kbalkum@wlf.louisiana.gov'>, "richard.hartman@noaa.gov" <'richard.hartman@noaa.gov'>,
"John.Ettinger@epamail.epa.gov" <'John.Ettinger@epamail.epa.gov'>,

"Patrick.Williams@noaa.gov" <'Patrick.Williams@noaa.gov'>, "Jay.Pecot@LA.GOV"
<'Jay.Pecot@LA.GOV'>, "christine.charrier@la.gov" <'christine.charrier@la.gov'>, "Walther,
David" <david walther@fws.gov>, "karl.morgan@la.gov" <'karl.morgan@la.gov'>, "Schindler,
Paige P MVN" <Paige.P.Schindler@usace.army.mil>, "Schneider, Donald C MVN"
<Donald.C.Schneider@usace.army.mil>, "Brown, Jane L MVN" <Jane.L.Brown@usace.army.mil>,
"Jamie Phillippe" <Jamie.Phillippe@LA.GOV>, "Butler, Dave" <dbutler@wlf.la.gov>

ĊС

Subject

Amigo Enterprises Request for Emergency Authorization to Improve Existing Road and Install Pump Station at Breton Sound Dock in St. Bernard Parish

<<Amigo Enterprises.pdf>>

Amigo Enterprises proposes to improve an existing roadway to relieve traffic congestion at security check-in and install a new pump station to drain the interior ditch. Project impacts consist of less than 0.2 acres of wetlands. Additional roadways may be constructed in non-wetland areas between the proposed roadway improvement and Hopedale Highway.

Please review the attached request and drawings and provide comment by 2:00pm today. Lack of comment will be construed as no objection.

Angie D. Lacoste

USACE, Regulatory

504.862.2281

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

[attachment "Amigo Enterprises.pdf" deleted by David Walther/R4/FWS/DOI]

### Lacoste, Angie D MVN

From:

Friday, June 11, 2010 11:55 AM Sent: Lacoste, Angie D MVN To: Balkum, Kyle; Butler, Dave Cc: RE: Amigo Enterprises Request for Emergency Authorization to Improve Existing Road and Subject: Install Pump Station at Breton Sound Dock in St. Bernard Parish LDWF has no objection to the issuance of an emergency use authorization for the proposed activity, provided that that all forested vegetation cleared during construction activities is to be removed and hauled offsite to a non-wetland disposal location, or chipped and disposed of in a manner that is beneficial to the surrounding environment.  $\dagger$ he applicant shall provide adequate and appropriate mitigation for impacts to wetland Functions. Chris Davis Biologist, Environmental Investigations Louisiana Department of Wildlife and Fisheries P. O. Box 98000 2000 Quail Drive, Room 432 Baton Rouge, LA 70898-9000 Phone: Fax From: Balkum, Kyle Sent: Friday, June 11, 2010 11:42 AM To: Davis, Chris (F&R); Butler, Dave Subject: FW: Amigo Enterprises Request for Emergency Authorization to Improve Existing Road and Install Pump Station at Breton Sound Dock in St. Bernard Parish from: Lacoste, Angie D MVN [mailto:Angie.D.Lacoste@usace.army.mil] Sent: Fri 6/11/2010 11:01 AM

Davis, Chris (F&R) [rcdavis@wlf.la.gov]

Tog Seth\_Bordelon@fws.gov; Balkum, Kyle; richard.hartman@noaa.gov; John.Ettinger@epamail.epa.gov; Patrick.Williams@noaa.gov; Jay.Pecot@LA.GOV; christine.charrier@la.gov; Walther, David; karl.morgan@la.gov; Schindler, Paige P MVN; Schneider, Donald C MVN; Brown, Jane L MVN; Jamie Phillippe; Butler, Dave Subject: Amigo Enterprises Request for Emergency Authorization to Improve Existing Road and Install Pump Station at Breton Sound Dock in St. Bernard Parish

<<Amigo Enterprises.pdf>>

Amigo Enterprises proposes to improve an existing roadway to relieve traffic congestion at security check-in and install a new pump station to drain the interior ditch. Project impacts consist of less than 0.2 acres of wetlands. Additional roadways may be constructed in non-wetland areas between the proposed roadway improvement and Hopedale Highway.

Please review the attached request and drawings and provide comment by 2:00pm today. Lack of comment will be construed as no objection.

Angie D. Lacoste

USACE, Regulatory

504.862.2281

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

BOBBY JINDAL GOVERNOR



ROBERT D. HARPER
SECRETARY

### State of Louisiana

# DEPARTMENT OF NATURAL RESOURCES OFFICE OF COASTAL MANAGEMENT

June 11, 2010

CERTIFIED	MAIL
NO.	

Krebs LaSalle Environmental, LLC 1580 Causeway Approach Suite 2B Mandeville, LA 70471 Attn: Lucas Watkins

RE: EUA# 10-054

Amigo Enterprises/Breton Sound Dock

Description: Widen a levee and build a road to alleviate traffic congestion at a oil spill

cleanup staging area. Installation of a pumping station.

Location: NW Corner: Lat. 29° 49' 12.23" N, Long. 89° 36' 50.57" W; SW Corner:

Lat. 29° 49' 28.09" N, Long. 89° 36' 31.16" W.

St. Bernard Parish, LA

Dear Mr. Watkins:

We have reviewed the information presented to the Coastal Management Division (CMD) in your Emergency Use Authorization request dated date. 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 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 CMD, a complete application packet (\$100 application fee, Joint Application Form, vicinity plats, plan plats, cross section plats, etc.) for the activity not more than thirty (30) days from the date of this authorization. You

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

- 4. The applicant agrees, by virtue of the commencement of authorized activities, to avoid to the maximum extent practicable, vegetated wetland impacts, and if necessary to mitigate for those unavoidable adverse impacts to vegetated wetlands, including submerged aquatics, should CMD determine that mitigation is necessary. Should CMD deem mitigation to be necessary, the applicant agrees, by virtue of the commencement of authorized activities, to submit and fulfill a mitigation plan that has been approved by CMD.
- 5. The applicant agrees, by virtue of the commencement of authorized activities, to adjust, alter, or remove any structure or other evidence of the authorized emergency use if, in the sole opinion of CMD, 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 CMD as referenced herein. CMD may, when it deems appropriate, require that such certification be given by a registered engineer.
- 8. The applicant agrees, by virtue of the commencement of authorized activities, to ensure that this Emergency Use Authorization, or a copy thereof, shall be available for inspection at the work site at all times during operations.
- 9. The applicant agrees, by virtue of the commencement of authorized activities, to notify CMD of the date on which initiation of the authorized emergency activity began. The applicant shall notify CMD by mailing the enclosed green initiation card on the date of initiation of the authorized activities.
- 10. The applicant agrees, by virtue of the commencement of 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 CMD to determine compliance with this condition.

- 11. In order to ensure the safety of all parties, the permittee shall contact the Louisiana DOTTIE System (1-800-272-3020) a minimum of 48 hours prior to the commencement of any excavation (digging, dredging, jetting, etc.) or demolition activity.
- 12. The applicant agrees, by virtue of the commencement of authorized activities, to mitigate for any, and all, wetland impacts, within and beyond the perimeter of the project, resulting from the authorized activities. Mitigation will be assessed upon the completion of the project.
- 13. Flap-gated culverts, not less than 24" in diameter, must be placed in the road/levee to maintain tidal connection within the wetlands. Culverts may be closed 36 hours prior to, and following, a storm event, but must remain open otherwise.
- 14. 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 or ( Office hours are Monday through Thursday from 7:30 A.M. 5:00 P.M. and on Friday between 7:30 A.M. 11:30 A.M. If traditional cultural properties are discovered on the weekend or after business hours, the notification shall be made the next business morning.
- 15. Unless otherwise specified, this Emergency Use Authorization will expire 30 days from the date of this letter, if the work has not been initiated or if the applicant has not submitted a complete Coastal Use Permit Application to CMD for the authorized activity. This expiration condition will be waived only if the applicant notifies CMD of the reason(s) for the delay and proposes an acceptable schedule for initiation of the work, or submits a complete Coastal Use Permit Application.

Emergency Use Authorization 10-054 Amigo Enterprises/Breton Sound Dock June 11, 2010 Page 4

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 (1997) 1997.

Sincerely,

Karl Morgan,

Acting Administrator

Hard May

AGREED TO AND ACCEPTED this	day of	, 200
by	•	
(applicant signature)		

KM/hb

Attachments (green card and plats)

CC: Pete Serio, COE w/plats
David Butler, LDWF w/plats
Chuck Spears, CMD/SS w/plats
Tim Killeen, CMD/FI w/plats

William McCartney, St. Bernard Parish w/plats

# Krebs LaSalle Environmental, LLC

1580 West Causeway Approach Suite 28, Mandeville, LA 70-171 • 985-237-6056 (Office) • 985-237-6059 (Fax)

June 9, 2010

EUA 10-054

Subject:

Emergency Use Request BP Oil Spill Response 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 upgrade/maintain existing roads as necessary and construct a new roadway along the crown of an existing private levee surrounding the property as shown in the attached figures.

The Breton Sound Dock is serving as a major base of operations for BP's oil spill response efforts. As I am sure you can appreciate, hundreds of vehicles are entering and exiting the facility on a daily basis. As a single road serves the marina, congestion at the entry checkpoint is causing traffic backups resulting in hours of delay to access the site. These delays are impacting recovery efforts and have become unacceptable to BP.

To facilitate clean-up efforts, we are proposing to construct/upgrade approximately 0.72 miles of roadway around the perimeter of the marina. This roadway will expedite access to the site by allowing a second entry checkpoint to be established and by more effectively distributing traffic within the facility. In addition to the improved ingress and egress, the proposed perimeter road improvements would increase the level height and ald in protecting the operations from periodic flooding.

The majority of fill, which will be obtained from Corps of Engineers approved borrow areas, for the new roadway will be placed on the interior, developed side of the existing levee. As needed, culverts will be installed to avoid any adverse impacts to water flow in the canals. A pump station would also be installed to allow rainwater discharge from the operations area in the event the gravity drainage is required to be closed to prevent flooding from rising surrounding water bodies.

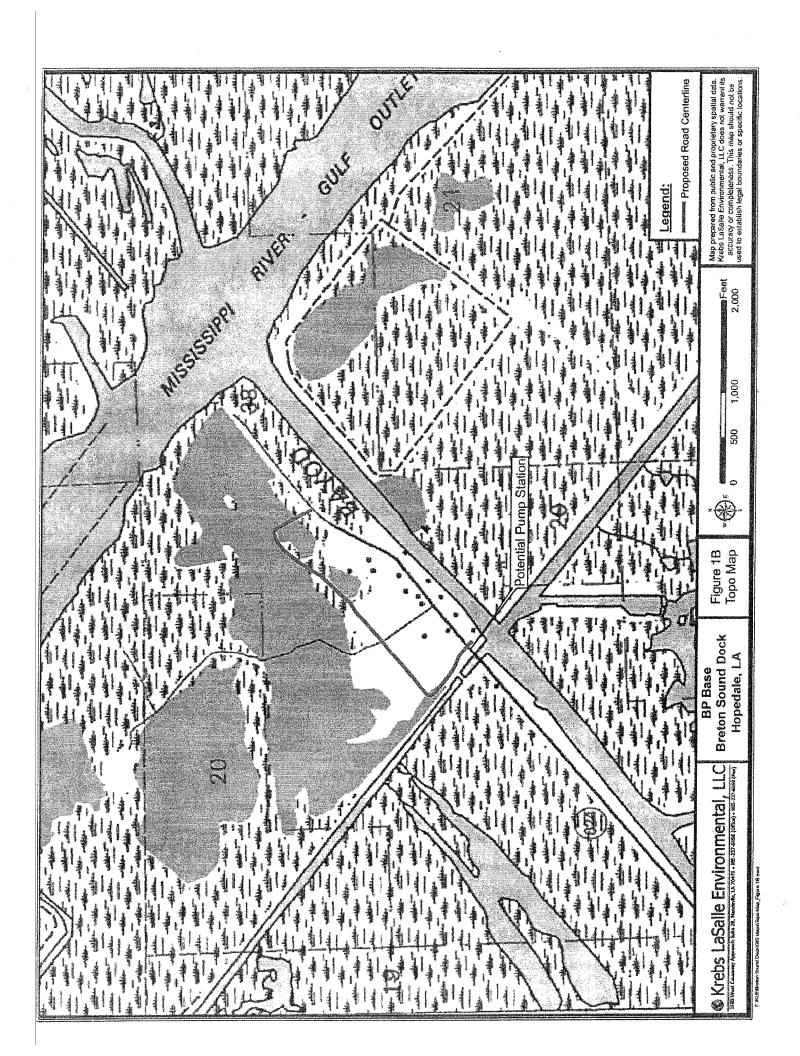
I have enclosed representative site pictures, a typical cross section, and a preliminary project layout depicting its relationship to the existing spill response infrastructure at the site.

Ma would appropriate vour acknow	wledgement of support for this project by signing below
If you would like to further discuss the e	enclosed information, please do not hesitate to contac
me at (office), {	(fax), or email at lwatkins@kllconsultants.com
Thank you for your consideration.	
	Sincerely,
	Sincerely, Krebs LaSalle Environmental, LLC
	1 1 /1/2.

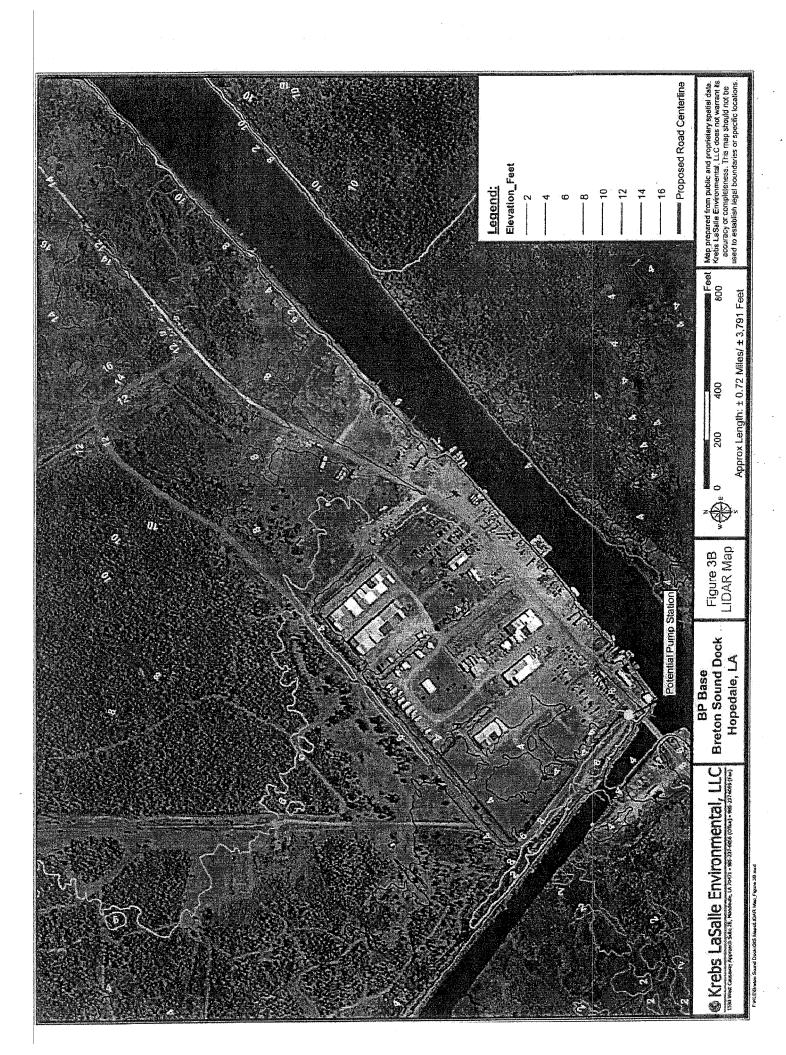
President/Environmental Scientist

Signature	Date
Print	

Fr. EUPSettum Soland Regulterocoments/temengency Required - Road-way-duck

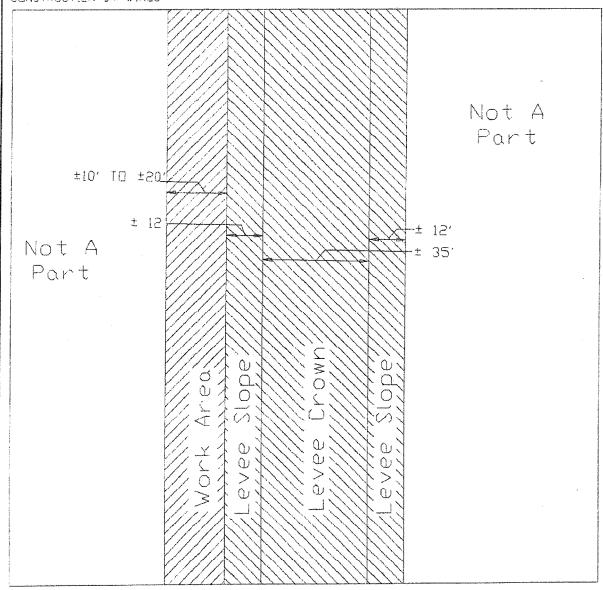






### Typical Proposed Levee/Road Plan View

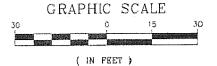
PERMIT DRAWINGS ARE SUBJECT TO FIELD MODIFICATIONS AND CONSTRUCTION DRAWINGS



NUTES

ONLY INTENDED FOR JOINT PERMIT APPLICATION PROCESS

NOT FOR ENGINEERING, SURVEYING. PARISH APPROVAL, OR ANY OTHER USES



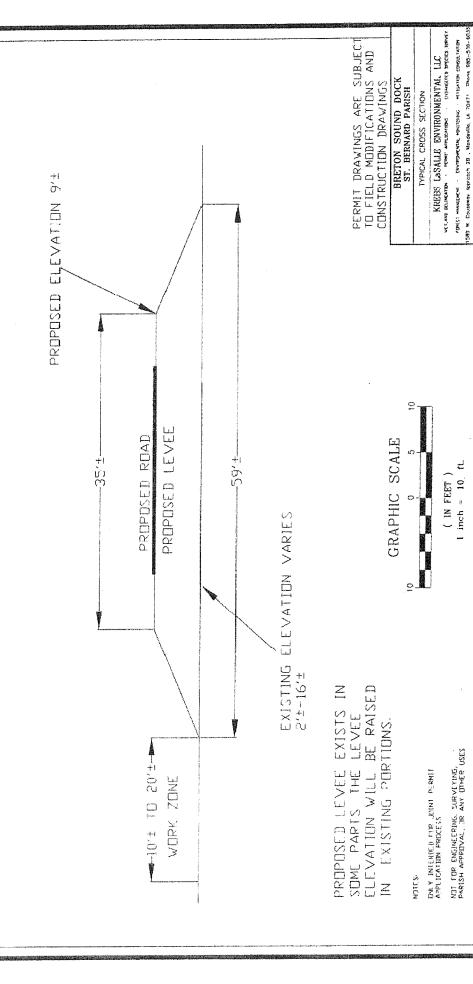
1 inch = 30 ft.

<u>Legend</u>:

Work Area FILL Area

Breton Sound Dock Hapedale, Louisiana	Krebs LaSalle Environmental, LLC
FICURE Typical Road Plan View	AND INCOMEDIATE THE WAS SHOULD NOT BE USED IN STRAIGHT FRACTOR HE. DOES NOT HERMARE US.

# TYPICAL PROPOSED LEVEE CROSS SECTION



F:\KLE\Breton Sound Dock\Drawing1.dwg Jun 10, 2010 - 7:57am

DATE:06/8/10

# Krebs LaSalle Environmental, LLC

1580 W. Causeway Approach, Suite 2B, Mandeville, La. 70471 • 985-237-6056 (Office) • 985-951-8245 (Fax)



Photo 1: Levee looking northeast.

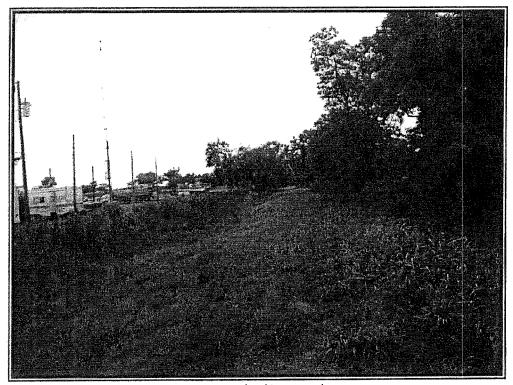


Photo 2: Levee looking southwest.

# Krebs LaSalle Environmental, LLC

1580 W. Causeway Approach, Suite 2B, Mandeville, La. 70471 • 985-237-6056 (Office) • 985-951-8245 (Fax)

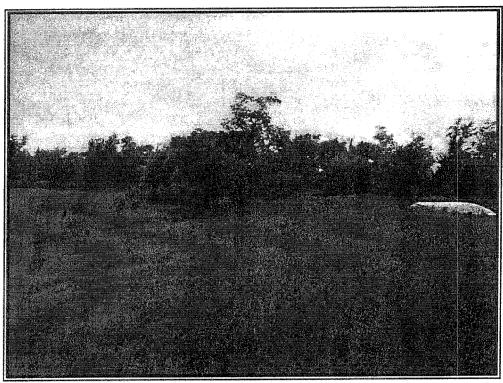


Photo 3: Levee looking southwest.



Photo 4: Road on top of existing levee looking south.

The Allegan South to the Company that we have

### Lacoste, Angie D MVN

504.862.2281

Jamie Phillippe [Jamie.Phillippe@LA.GOV] From: Friday, June 11, 2010 2:10 PM Sent: Lacoste, Angie D MVN; Harmon Brown III To: Chris Piehler; Dwight Bradshaw; Jeff Dauzat; Cheryl Nolan; Melvin "Mitch" Mitchell; Tom Cc: Killeen; Ronnie Bean; Gary Aydell; Betty Brousseau; Sanford Phillips; Rodney Mallett; \_DEQ-BP Deepwater Horizon Oil Spill RE: Amigo Enterprises Request for Emergency Authorization to Improve Existing Road and Subject: Install Pump Station at Breton Sound Dock in St. Bernard Parish Angie & Harmon, DEO has no objection to this project. Thanks, Jamie Phillippe Louisiana Department of Environmental Quality 401 Water Quality Certifications From: Lacoste, Angie D MVN [mailto:Angie.D.Lacoste@usace.army.mil] Sent: Friday, June 11, 2010 11:01 AM To: Seth\_Bordelon@fws.gov; kbalkum@wlf.louisiana.gov; richard.hartman@noaa.gov; John.Ettinger@epamail.epa.gov; Patrick.Williams@noaa.gov; Jay.Pecot@LA.GOV; christine.charrier@la.gov; Walther, David; karl.morgan@la.gov; Schindler, Paige P MVN; Schneider, Donald C MVN; Brown, Jane L MVN; Jamie Phillippe; Butler, Dave Subject: Amigo Enterprises Request for Emergency Authorization to Improve Existing Road and Install Pump Station at Breton Sound Dock in St. Bernard Parish <<Amigo Enterprises.pdf>> Amigo Enterprises proposes to improve an existing roadway to relieve traffic congestion at security check-in and install a new pump station to drain the interior ditch. Project impacts consist of less than 0.2 acres of wetlands. Additional roadways may be constructed in nonwetland areas between the proposed roadway improvement and Hopedale Highway. holease review the attached request and drawings and provide comment by 2:00pm today. Lack of comment will be construed as no objection. Angie D. Lacoste USACE, Regulatory

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# Krebs LaSalle Environmental, LLC

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

June 9, 2010

Subject:

Print

Emergency Use Request BP Oil Spill Response

Breton Sound Dock

St. Bernard Parish, Louisiana

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We would appreciate your acknow If you would like to further discuss the eme at (office), Thank you for your consideration.	viedgement of support for this project by signing below. nclosed information, please do not hesitate to contact (fax), or email at lwatkins@kllconsultants.com.
•	Sincerely,
	Krebs LaSalle Environmental, LLC
	Such bettin
	Lucas Watkins
	President/Environmental Scientist
Signature	Date

F:\KLE\Breton Sound Road\Documents\Emergency Request - Roadway.docx