Herman (328)



DEPARTMENT OF THE ARMY

EUA 10-036

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO ATTENTION OF:

Operations Division Western Evaluation Section MAY 1 7 2010

SUBJECT: MVN 2010-1041 WB

General Permit NOD-20

Lafourche Parish Government ATTN: Chett Chiasson 16829 East Main Streeet Post Office Box 490 Galliano, Louisiana 70354

FILE

Dear Mr. Chiasson:

Receipt is acknowledged of your letter dated May 7, 2010, requesting authority to install rip-rap, sand fill and PVC sheetpile bulkhead to block breeches and channels to prevent oil encroachment into interior marshes located in Lafourche and Jefferson Parish, Louisiana. This approval supersedes your general permit dated May 11, 2010.

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 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.

Jule e

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

Sincerely,

Pete J. Serio Chief, Regulatory Branch

Attachment 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



Greater Lafourche Port Commission

Port Fourchon . South Lafourche Leonard Miller, Jr. Airport

"The Gulf's Energy Connection"

May 7, 2010

Mr. Morgan,

The Lafourche Parish Government (Parish President Charlotte Randolph), in conjunction with the Greater Lafourche Port Commission (Executive Director Chett Chiasson), would like to request an emergency use authorization to place large sand bags in breaches along Fourchon Beach between the Lafourche/Jefferson Parish line and Highway LA 3090 in Port Fourchon.

The Louisiana National Guard will place the sand bags using their aviation section. Please see the attached police report for breach locations and GPS coordinates where sand bags are needed.

If you have any further questions, please contact me at chettc@portfourchon.com.

Sincerely,

Chett Chiasson

Executive Director

Chill Ch

Greater Lafourche Port Commission

Phone: (985) 396-3911 Fax: (985) 396-2596 16829 East Main Street P.O. Drawer 490 Galliano, LA 70354 Phone: (985) 632-6701 Fax: (985) 632-6703

Fax: (985) 632-6703 E-mail: glpc@portfourchon.com

www.portfourchon.com

South Lafourche Airport Airport Road

Galliano, LA 70354 Phone: (985) 632-1118

Fax: (985) 632-6703

GLPC HARBOR POLICE

COMPLAINT INCIDENT REPORT

X ORIGINAL REPORT	SUPP	LEMENTAL REPO	RT			
ORIGINAL REPORT NUMBER	RESPONDING	OFFICER	INCI	DENT DATE		INCIDENT TIME
21D-0506101623-04	HPO M	litchell Hohensee		5-6	6-10	1623
IF THIS IS A SUPPLEMENTAL REPORT, FILL IN THE NEXT 2 BOXES	SUPPLEMENTA	AL REPORT NUMBER	ORIG	GINAL RESP	ONDING OFFICE	R
NATURE OF INCIDENT		The Later of the L				
		Beach Flyover				
LOCATION OCCURRED					10000	
		Fourchon Beach				
IF POSSIBLE: PHYSICAL ADDRESS OF LOCATIO	N OCCURRED					
COMPLAINANT	COMPA	NY COMPLAINANT IS REPRE	SENTIN	G	13	ELEPHONE
HPO Mitchell Hohensee	O MIT	GLPC Harb				ELEPHONE
COMPLAINANT'S ADDRESS / CITY / STATE / ZIP			E-M	AIL ADDRES	SS	
16829 East Main Stree	et Galliano,	La. 70354		mitcl	hh@portfo	urchon.com
HOW ADVISED? HP1 r	equest	PHOTOS / VID	EO	Yes	AMOUNT	

REPORT NARRATIVE:

Flyover compliments of Chevron Production done on 5-6-10 of the Fourchon Beach from Belle Pass to Elmer's Island recording breaches of the shoreline that pollution could enter the marshland. Latitude and longitude along with brief estimated width of openings and photos to follow.

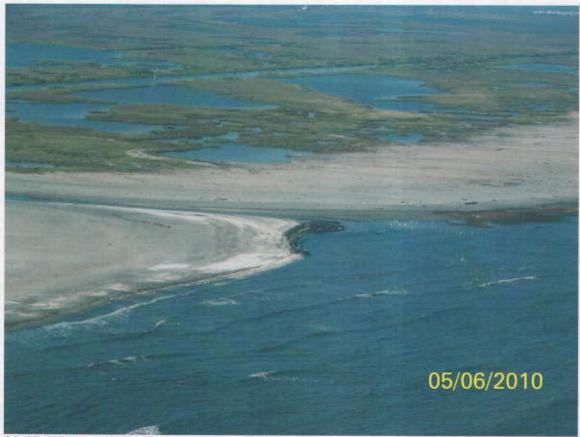


29 07 70N 90 08 77W Approximately 150 foot wide.

DATE WRITTEN:	OFFICER:
100	

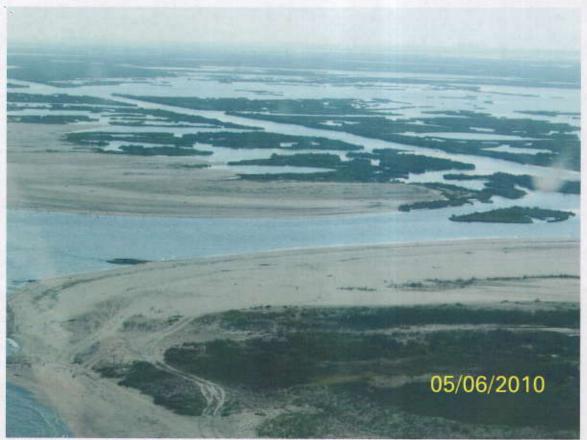


29 07 84N 90 08 50W Approximately 25 foot wide.



29 08 25N 90 07 88W Approximately 15 foot wide.

DATE WRITTEN:	OFFICER:	



29 09 77N 90 05 50W Approximately 150 foot wide.

There is an additional possible breach located at 29 06 70N 90 10 59W that the photo did not come out. It was not a directly visible breach. This location at high tide would have water passing over it into the marsh. The width of the water passage is approximately 20 foot wide.

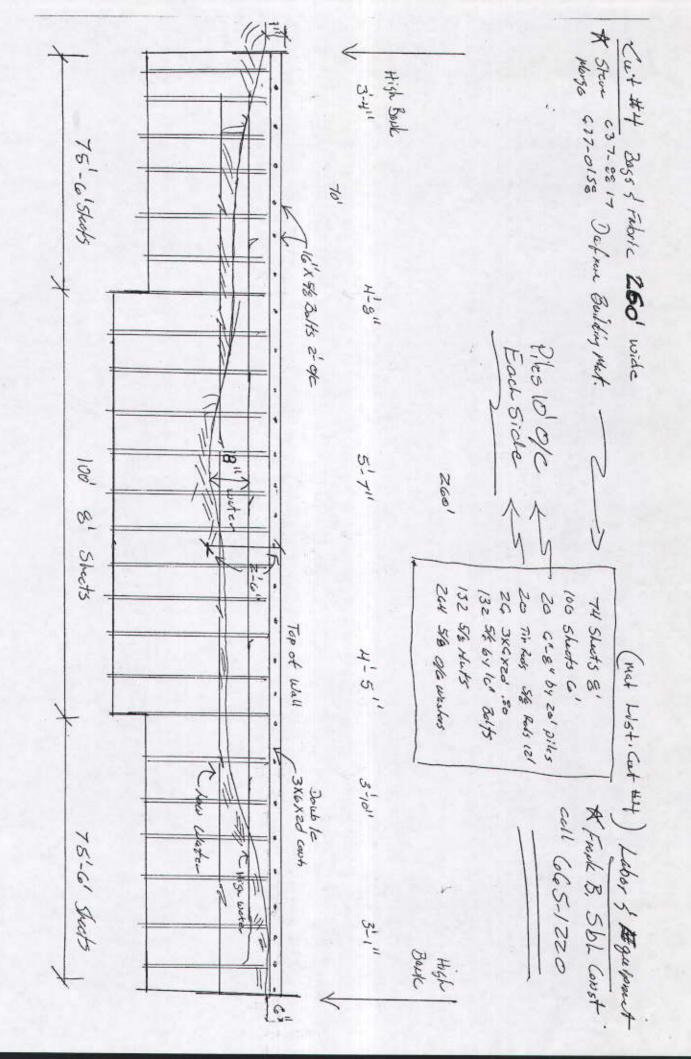
DATE WRITTEN:	OFFICER:

Bay Champenge Cut 260' W X20' X 3' 260' wide 6"- 8" Water at High Tide

GOO VOS Sand HOO Tows Rip Rap

G.I.S Contractor Miteria Britisher Dutrere

Exist Grake V



Duke, Ronnie W MVN

From:

Serio, Pete J MVN

Monday, May 17, 2010 6:27 AM Sent:

Duke, Ronnie W MVN; Herman, Darlene C MVN To: Subject: FW: Emergency Use Authorization Request

Attachments:

5-07-10 Emergency Auth for sandbags.doc; Mitch Breach report 5-6-10.docx





5-07-10 Emergency Mitch Breach report Auth for san... 5-6-10.doc...

This is a mod to what we issued last week. I gave them a verbal.

Pete Serio Chief, Regulatory Branch 504-862-2255

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: Chett Chiasson [mailto:chettc@portfourchon.com]

Sent: Friday, May 14, 2010 3:25 PM

To: Karl Morgan

Cc: Monica Nicole Dandurand; Krehely, Michael A MVN; Serio, Pete J MVN; Mayer, Martin S MVN; Charlotte A. Randolph; Chris L. Boudreaux; ericb@lafourchegov.org; Davie Breaux Subject: FW: Emergency Use Authorization Request

Karl,

Attached is our original letter of request for Emergency Use Authorization. As per our conversation, you know that the sandbags are not working the way we thought. We have put the sandbag operation on hault to organize another way to close off the breeches to protect the marshland from oil contamination. We propose to close off the Bayou Thunder Breech at 29 09 77N 90 05 50W and the Bay Champagne Breech at 29 06 70N 90 10 59W with sand fill and rip rap. The Bayou Thunder Breech has sandbags in it but is having settlement issues. The breech located at 29 08 25N 90 07 88W has sandbags in it, but is encountering settlement issues as well. Due to that we would like to place a temporary "bulkhead" using 6' long PVC sheetpile to close off the breech. We would like to do the same at breeches located at 29 07 84N 90 08 50W and 29 07 70N 90 08 77W. If you need any further information, please let me know. We are trying to put something in place that will be more efficient and effective.

Thanks for your time,

Chett

Chett C. Chiasson, MPA

Executive Director

Greater Lafourche Port Commission

Phone:

Fax:

chettc@portfourchon.com <mailto:chettc@portfourchon.com>

From: Leigh Guidry

Sent: Friday, May 07, 2010 3:53 PM

To: Chett Chiasson

Subject: FW: Emergency Use Authorization Request

Leigh A. Guidry

Executive Assistant

Greater Lafourche Port Commission

Phone:

Fax:

Email: leighg@portfourchon.com

From: Karl Morgan [mailto: Karl. Morgan@LA.GOV]

Sent: Friday, May 07, 2010 3:44 PM

To: 'pete.j.serio@usace.army.mil'; 'martin.S.mayer@usace.army.mil'; 'Laborde, Brad MVN'

Cc: Leigh Guidry; Chett Chiasson

Subject: FW: Emergency Use Authorization Request

Pete,

We have received this emergency request from Port Fourchon. We are working on issuing our authorization presently. Please give it your earliest attention.

Karl Morgan

Administrator

Permits & Mitigation Division

From: Leigh Guidry [mailto:LeighG@portfourchon.com]

Sent: Friday, May 07, 2010 1:21 PM

To: Karl Morgan

Cc: Chett Chiasson; Leigh Guidry; Charlotte Randolph (parishpresident@lafourchegov.org)

Subject: Emergency Use Authorization Request

Mr. Morgan,

Please see the attached letter from Mr. Chett Chiasson, Executive Director of Port Fourchon, regarding an emergency use authorization request for sandbags. Also attached is a Port Fourchon Harbor Police report documenting the breaches.

Leigh A. Guidry

Executive Assistant

Greater Lafourche Port Commission

Phone:

Fax:

Email: leighg@portfourchon.com



SCOTT A. ANGELLE SECRETARY

State of Louisiana

DEPARTMENT OF NATURAL RESOURCES OFFICE OF COASTAL MANAGEMENT

May 20, 2010

CERTIFIED MAIL NO. <u>009257 0695</u>

Greater Lafourche Port Commission 16829 East Main Street P.O. Box 490 Galliano, LA 70354 Attn: Chett Chiasson

RE: EUA 10-036 (Amended)
Greater Lafourche Port Commission

Description: Emergency placement of approximately 300 4' x 4' x 4' sand bags (approximately 900 cubic yards of material) to plug five breaches measuring a total of 360'. Sand bags will be airlifted to the locations. No additional dredge or fill is required.

Location: (No. 1; 150') Lat. 29° 07' 42"N, Long. 90° 08' 46.20"W;

(No. 2; 25') Lat. 29° 07' 50.40"N, Long. 90° 08' 30"W; (No. 3; 15') Lat. 29° 08' 15"N, Long. 90° 07' 52.8"W; (No. 4; 150') Lat. 29° 09' 46.20"N, Long. 90° 05' 30"W; (No. 5; 20') Lat. 29° 06' 42"N, Long. 90° 10' 35.40"W.

Lafourche Parish, LA

Amendment: An undetermined amount of sand fill and large riprap will be added to breech No. 4 & 5. PVC sheet piling will be used to close off breech No. 1, 2 & 3.

Dear Mr. Chiasson:

We have reviewed the information presented to the Office of Coastal Management (OCM) in your Emergency Use Authorization amendment request dated May 14, 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 necessary to protect the marshlands from oil spill contamination 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 mitigation to be necessary, the applicant agrees, by virtue of the commencement of authorized activities, to submit and fulfill a mitigation plan that has been approved by OCM.
- 5. The applicant agrees, by virtue of the commencement of authorized activities, to adjust, alter, or remove any structure or other evidence of the authorized emergency use if, in the sole opinion of OCM, it proves to be beyond the scope of the authorized activity or has been abandoned.
- 6. The applicant agrees, by virtue of the commencement of authorized activities, to hold and save the State of Louisiana, the Department of Natural Resources (DNR), and their officers and employees harmless from any damage to persons or property which might result from the emergency use.
- 7. The applicant agrees, by virtue of the commencement of authorized activities, to certify that the emergency use has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by OCM as referenced herein. OCM may, when it deems appropriate, require that such certification 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. The applicant agrees, by virtue of the commencement of authorized activities that should changes in the location or the section of the existing waterways, or in the generally prevailing conditions in the vicinity be required in the future, in the public interest, applicant shall remove the sandbags and restore the site upon request of OCM.
- 11. Unless otherwise specified, this Emergency Use Authorization will expire 30 days from the date of this letter, if the work has not been initiated or if the applicant has not submitted a complete Coastal Use Permit Application to OCM for the authorized activity. This expiration condition will be waived only if the applicant notifies OCM of the reason(s) for the delay and proposes an acceptable schedule for initiation of the work, or submits a complete Coastal Use Permit Application.
- The following conditions have been provided by the Louisiana Department of Wildlife and Fisheries

Louisiana Natural Heritage Program:

Our 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 Louisiana Department of Wildlife and Fisheries (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 piping plover (*Charadrius melodus*) may occur within one mile of the project area. This species is federally listed as threatened with its critical habitat designated along the Louisiana coast. Piping plovers winter in Louisiana feeding at intertidal beaches, mudflats, and sand flats with sparse emergent vegetation. Primary threats to this species are destruction and degradation of winter habitat, habitat alteration through shoreline erosion, woody species encroachment of lake shorelines and riverbanks, and human disturbance of foraging birds. For more information on piping plover critical habitat, visit the U.S. Fish and Wildlife website: http://endangered.fws.gov.

No other impacts to rare, threatened or endangered species or critical habitats are anticipated from the proposed project. No state or federal parks, wildlife refuges, wildlife management areas or scenic rivers are known at the specified site or within ¼ mile of the proposed project.

The Louisiana Natural Heritage Program (LNHP) has compiled data on rare, endangered, or otherwise significant plant and animal species, plant communities, and other natural features throughout the State of Louisiana. LNHP reports summarize the existing information known at the time of the request regarding the location in question. LNHP reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. If at any time LNHP tracked species are encountered within the project area, please contact our biologist at 225-765-2643.

- LDWF requests that the applicant notify each oyster lease holder affected within 500 feet of the proposed activity prior to commencement of the proposed activity.
- The sand utilized in this project shall be free of contamination and suitable for use in coastal restoration projects.
- 15. Sand bags and slings should be constructed of benign materials and in such a manner that they do/will not pose a threat to fish and wildlife (e.g. birds, marine mammas, turtles, etc.) through entanglement, entrapment, ingestion, etc.
- 16. 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.
- 17. All hard structures (including but not limited to sheet pile and riprap) must be marked/lighted in accordance with U. S. Coast Guard regulations. These markers/lights, if required, must be maintained at the site until such time as all potential hazards to navigation are removed. All hard structures shall be removed upon the determination by State and Federal regulatory authorities that there is no longer a significant risk of contamination from the BP Horizion Oil spill to lands in this project area or within two (2) years from the date of this signed authorization, whichever comes first, unless specifically directed to handle otherwise by the ATF permit for this activity.

> 18. This authorization is not valid unless the applicant agrees to the terms and conditions provided for herein by executing in the space provided below.

Should you have any questions or need additional help, please feel free to contact Christine Charrier, Permits Program Manager, at

Sincerely,

Karl Morgan, Acting Administrator

Kall Moz

AGREED TO AND ACCEPTED this _____day of _______, 2010

by _____(applicant's signature)

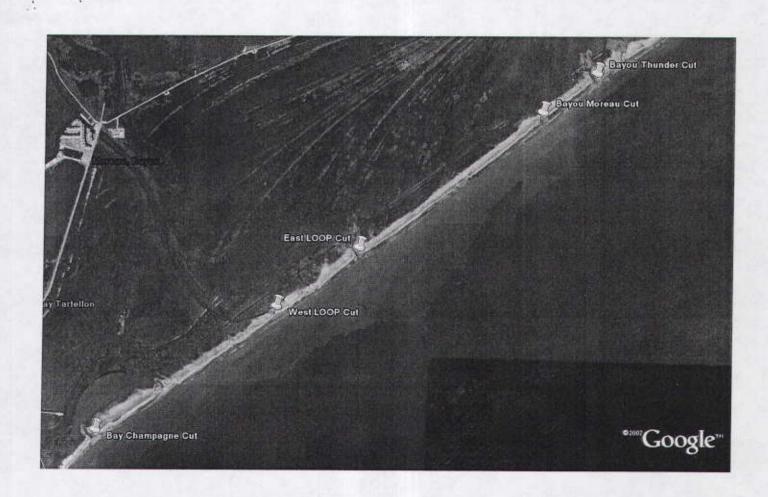
KM/kwl

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

Nicholas Matherne, Lafourche Parish w/plats





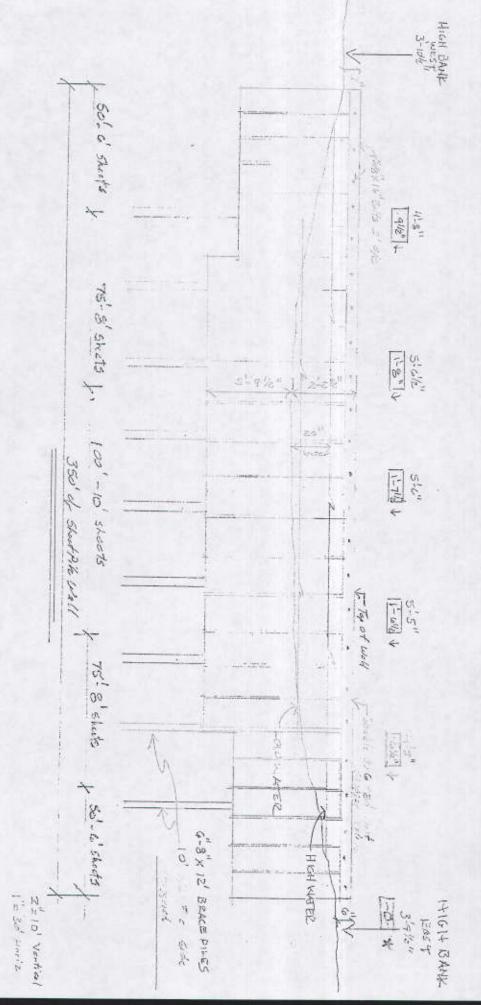
(COUT & From Brook Pure) Contraction Champenge Cut 260' W X20' X 3' 260' wide 6"- 8" water at thisk Title

400 Tous Rip Rap

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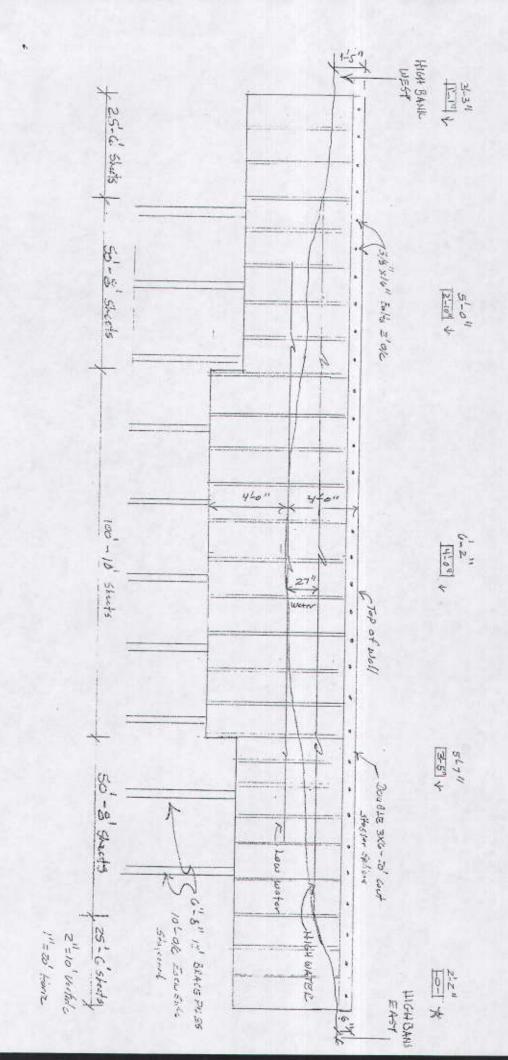
42-,02 Exist Grade 7 V - High Tide

From Boach Bee. Goly Bast Cut #2 Must West of Loop 320 of water there 350 of wall



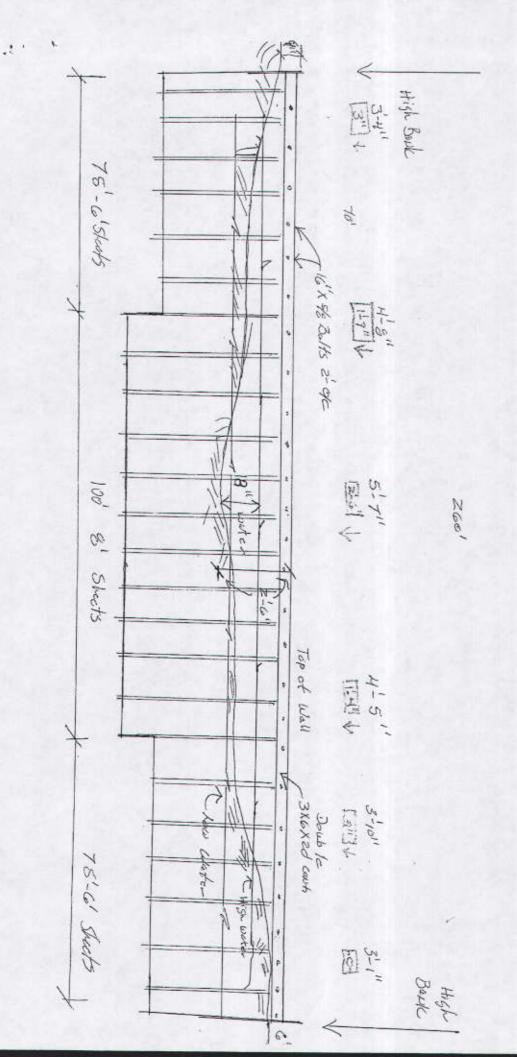
From Boach Acc. going East Cu+#3 Just East of LOOP 220' water Mess 250' of Wall

5/20/2010



. ?

Cut #4 Bass & Fabric 250' wide



ORM PROCESSING SHEET

Applicant Latourche Pansh Gost. Agent
Description install rip-rap and send fil & AK shortpile bulkhead to block
breeches and channels to present oil encrondenent into interior marshes
Proj. Manager Darkus Hermy PM Code WB Parish Lapourche / de Herson
Permit No. MVN-2010-164163 (Ex.: MVN 2004-2159-CY)
Regulatory File Name (40 characters)
SP PGP GP 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 WQC/_ /_ Date WQC 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) Mr. 192 (See
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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:/_ ;/ _ Site visit:Dates:/_ ;/ STO (same as Date PMT Signed and End Date - closes out Request for Action)/ Date PMT expires/_ /