

**FILE COPY**

J.C.  
S. Castaing X-1564

Operations Division  
Eastern Evaluation Section

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

**JUN 30 2010**

Plaquemines Parish Government  
8056 Highway 23, Suite 307  
Belle Chasse, Louisiana 70037

Gentlemen:

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

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

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

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

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

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

Your project is located within the Louisiana Coastal Zone, as such your formal permit application submittal must be sent through the Louisiana Department of Natural Resources. Should you require information on submitting your application through their office, please contact Mr. Karl Morgan at [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 Stephanie Castaing of this office at 504-862-1564.

Sincerely,

Pete J. Serio  
Chief, Regulatory Branch

  
Farabee  
OD-SE  
  
Serio  
OD-S

Enclosure

# Plaquemines Parish Government

Parish President  
**Billy Nungesser**

**COASTAL  
ZONE MANAGEMENT**  
8056 Hwy. 23, Suite 307  
Belle Chasse, Louisiana 70037  
(504) 297-5629  
Fax (504) 274-2463  
eMail: [pjhahn@plaqueminesparish.com](mailto:pjhahn@plaqueminesparish.com)

## Council Members

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

June 30, 2010

TO: Castaing, Stephanie L MVN [[stephanie.l.castaing@usace.army.mil](mailto:stephanie.l.castaing@usace.army.mil)]  
FROM: P. J. HAHN  
Director of Coastal Zone Management  
RE: EUA for the product X-Text to use along Wilkinson Canal  
and bird islands' within **Plaquemines Parish POC**

**Albertine Kimble**  
[REDACTED]

Email address: [albertine\\_kimble@plaqueminesparish.com](mailto:albertine_kimble@plaqueminesparish.com)



**Subject:** FW: Request for EUA  
**Attachments:** Ultra-Spill Fence HD X-Tex Model.pdf; X-Tex Rolls and Bulk 5-19-10.pdf; DSCN0020.jpg; DSCN0022.jpg; DSCN0036.jpg; X-Tex Test Section Plaquemines.jpg

-----Original Message-----

From: P J Hahn [mailto:pjhahn@plaqueminesparish.com]  
Sent: Tuesday, June 29, 2010 8:59 AM  
To: Serio, Pete J MVN  
Cc: timothy.vignes@ang.af.mil; Darren; Barry Richard (DNR); Jerome Zeringue  
Subject: Request for EUA

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

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

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

Phone: [REDACTED]

Email: [pjhahn@plaqueminesparish.com](mailto:pjhahn@plaqueminesparish.com)

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

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

Estimate of AOI: (30 miles):

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

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

Access route to the site: Wilkinson Canal

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

Source of fill material if applicable: N/A

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

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

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

P. J. Hahn

Director, Coastal Zone Management Department

8056 Hwy 23

Suite 307

Belle Chasse, LA 70037

Office: [REDACTED]

Fax: [REDACTED]

Cell: [REDACTED]

## **Castaing, Stephanie L MVN**

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**Subject:** FW: Request for EUA

-----Original Message-----

From: P J Hahn [mailto:pjhahn@plaqueminesparish.com]  
Sent: Tuesday, June 29, 2010 3:16 PM  
To: Farabee, Michael V MVN  
Subject: RE: Request for EUA

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

PJ

-----Original Message-----

From: Farabee, Michael V MVN [mailto:Michael.V.Farabee@usace.army.mil]  
Sent: Tuesday, June 29, 2010 11:02 AM  
To: P J Hahn  
Subject: FW: Request for EUA

PJ,

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

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

Thanks.

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

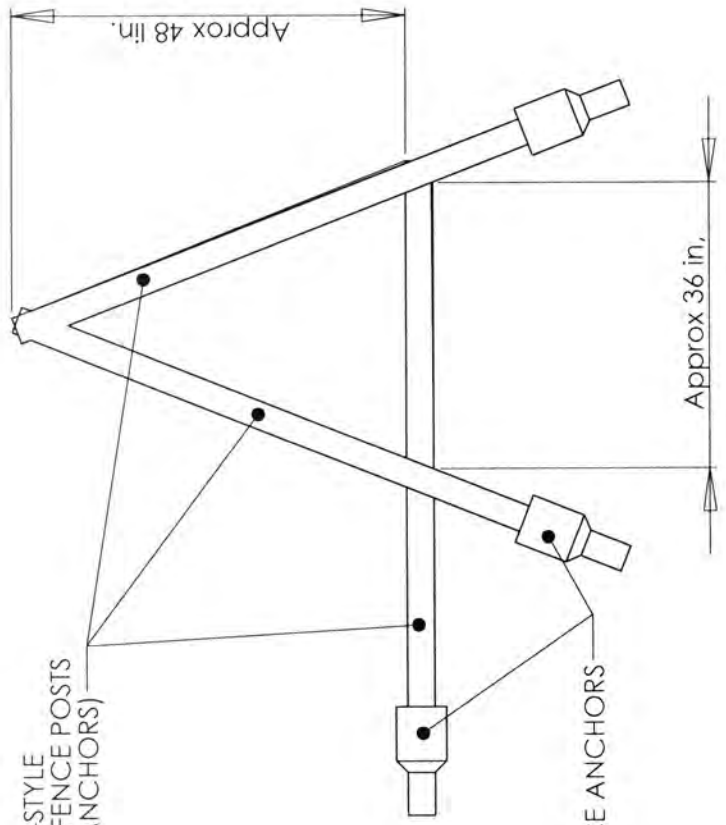
Thanks, I'll call you in a few minutes, to see what's on your mind.

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

(504) 862-2292  
(504) 862-2117 Fax

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

5' - 6' U-STYLE  
METAL FENCE POSTS  
(WITH ANCHORS)



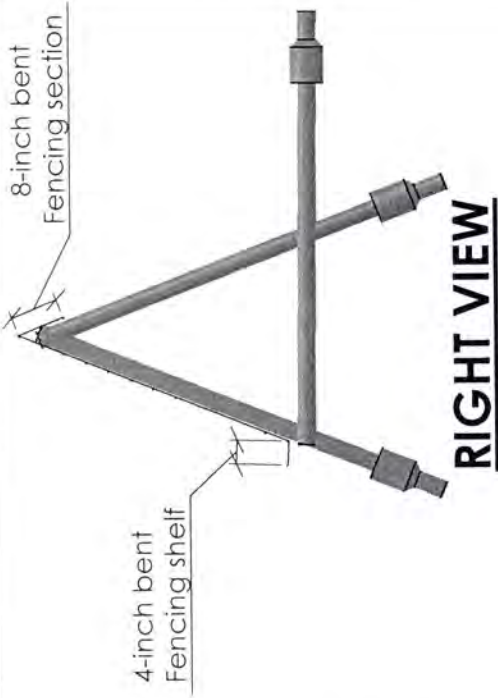
**RIGHT VIEW**

**ISOMETRIC VIEW**

**PROPRIETARY AND CONFIDENTIAL**  
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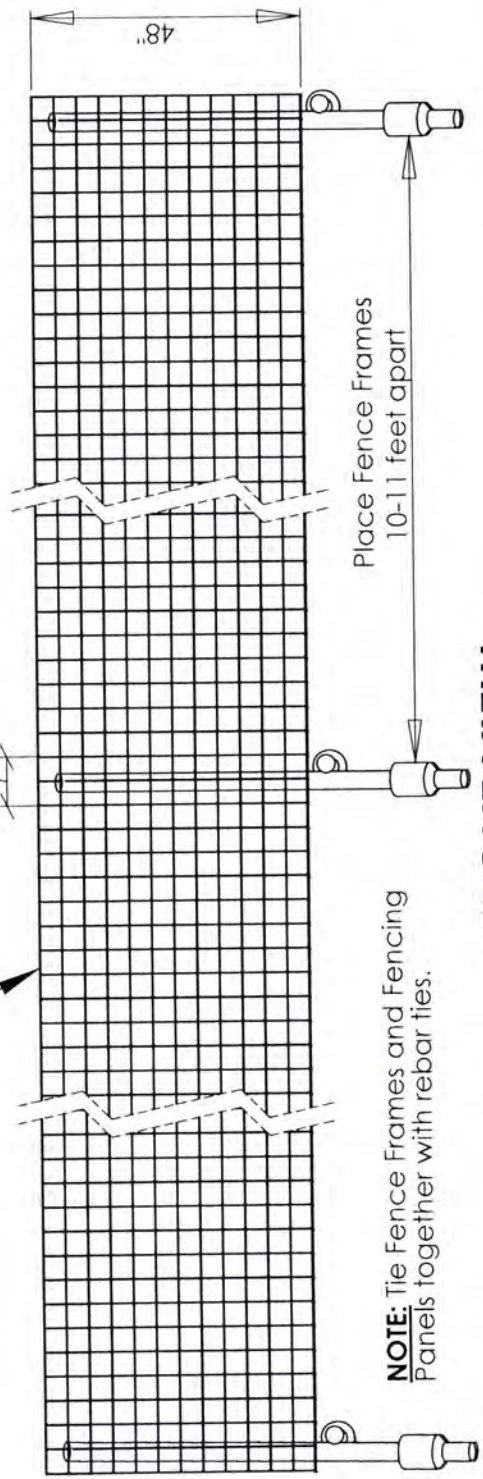
UNLESS OTHERWISE SPECIFIED:		DRAWN	NAME	DATE	ULTRATECH INTERNATIONAL
DIMENSIONS ARE IN INCHES	FRACTIONAL	CHECKED	MPC	06/02/10	
ANGULAR: MACH ±	BEND ±	ENG APPR.			TITLE:
TWO PLACE DECIMAL ±	THREE PLACE DECIMAL ±	MFG APPR.			ULTRA-SPILL FENCE H-D X-TEX MODEL FENCE FRAME (TYP.)
INTERPRET GEOMETRIC TOLERANCING PER:	MATERIAL	Q.A.			SIZE
	FINISH	COMMENTS:			<b>A</b>
	USED ON				DWG. NO.
	APPLICATION				20100602-01
					REV
					0
					SCALE: 1:20
					WEIGHT:
					SHEET 1 OF 3





Overlap each piece of Fencing 8-inches (4-inches on each side of Fence Frames)

Heavy Duty Hog Fencing (Pre-bent prior to attachment to Fence Frames)



**NOTE:** Tie Fence Frames and Fencing Panels together with rebar ties.

**FRONT VIEW**

UNLESS OTHERWISE SPECIFIED:		NAME	DATE	ULTRATECH INTERNATIONAL	
DIMENSIONS ARE IN INCHES		MPC	06/02/10	TITLE:	
FRACTIONAL ±	CHECKED			ULTRA-SPILL FENCE	
ANGULAR: MACH ±	ENG APPR			H-D X-TEX MODEL	
TWO PLACE DECIMAL ±	MFG APPR			ASSEMBLED FENCE STRUCTURE	
THREE PLACE DECIMAL ±	Q.A.			SIZE	DWG. NO.
INTERPRET GEOMETRIC TOLERANCING PER:	COMMENTS:			<b>A</b>	20100602-01
MATERIAL				REV	0
FINISH				SCALE: 1:30	
NEXT ASSY	USED ON			WEIGHT:	
APPLICATION	DO NOT SCALE DRAWING			SHEET 2 OF 3	

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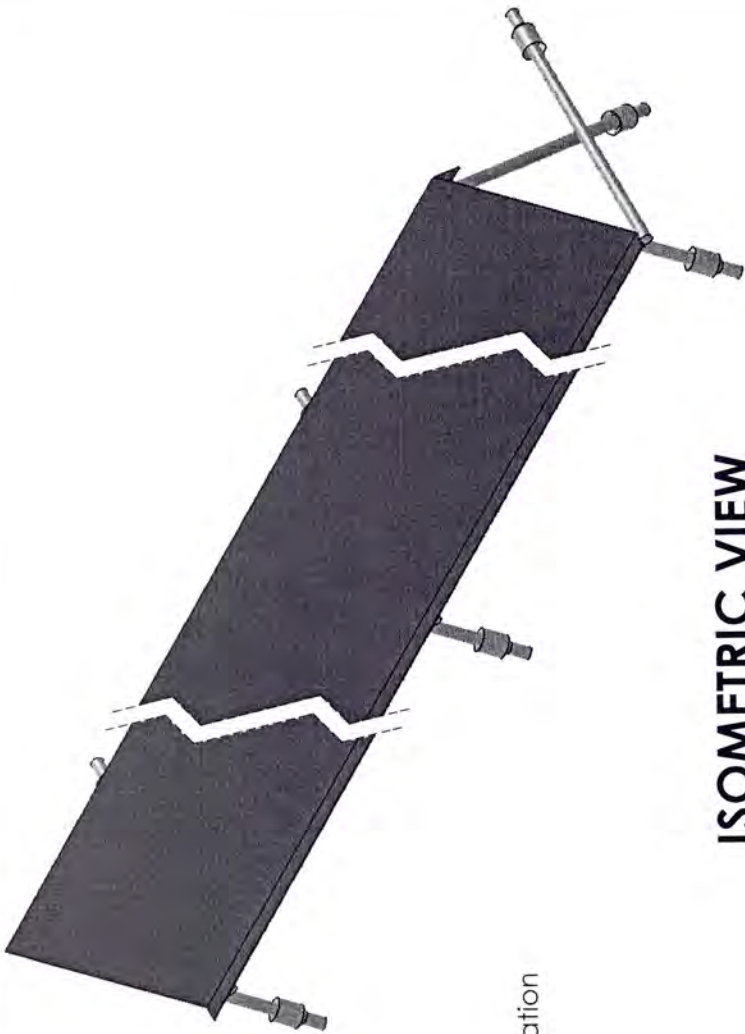
**NOTE:** Tie X-Tex Fabric to Fencing with Aluminum Chain Link fence ties (need to punch through X-Tex fabric to accommodate this).

Tie down X-Tex to Fencing 2" from top of Fencing

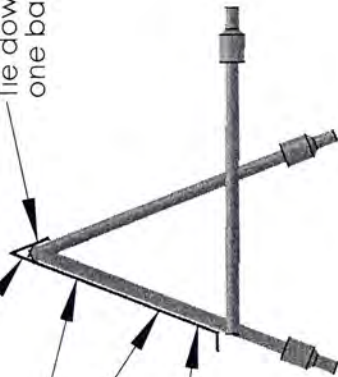
Tie down in other locations as needed

Tie down 4" from bottom of Fencing

Tie down on one back location



**ISOMETRIC VIEW**



**RIGHT VIEW**

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UNLESS OTHERWISE SPECIFIED:		NAME	DATE	ULTRATECH INTERNATIONAL	
DIMENSIONS ARE IN INCHES		MPC	06/02/10	TITLE:	
TOLERANCES:				ULTRA-SPILL FENCE	
FRACTIONAL ±	ANGULAR: MACH ± BEND ±			H-D X-TEX MODEL	
TWO PLACE DECIMAL ±	THREE PLACE DECIMAL ±			FINAL ASSEMBLY WITH X-TEX	
INTERPRET GEOMETRIC TOLERANCING PER				SIZE	DWG. NO.
MATERIAL				<b>A</b>	20100602-01
FINISH				REV	0
DO NOT SCALE DRAWING				SCALE: 1:40 WEIGHT:	
APPLICATION				SHEET 3 OF 3	



# X-Tex



*X-Tex used for Silt Fence*

U.S. Patent No. 6,632,501

### X-Tex: Roll Form

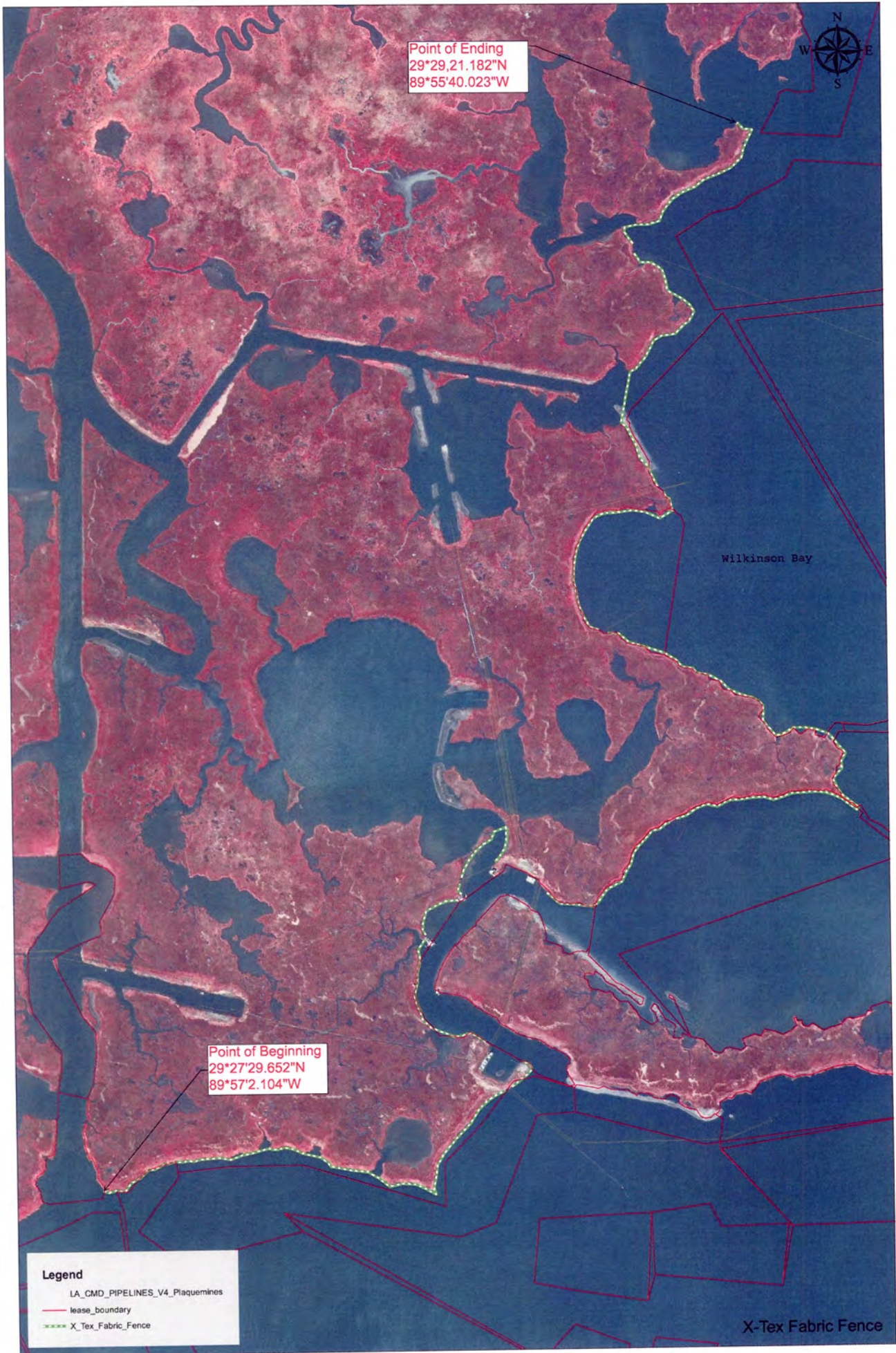
- 12 oz, hydrophilic oil-absorbing fabric in 5' x 250' rolls.
- 100% recycled polymer material that has been treated with a patented process to achieve its unique properties.
- Weight per roll: 100 lbs.
- Each role can absorb approximately 375 gallons of oil.
- There is enough inventory of raw material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

### X-Tex: Bulk Fiber Bales

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

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

















DECISION DOCUMENT FOR EMERGENCY PERMITTING VERIFICATION, NOD-20

ORM Number: MVN 2010-1550 EPP

Applicant: Plaquemines Parish Government

Project Location (Waterway, Section, Township, Range, City, County, State): Near Wilkinson Canal, in Louisiana, in Plaquemines Parish

Receipt Date: June 29, 2010 Complete: Yes  No

Additional Information Requested Date: Yes

Application Complete Date: June 30, 2010

Waters of the US: Yes

\*see Jurisdictional Determination form(s) dated:

Authority: Section 10  Section 404  Section 103

Project Description (Describe activities in waters of the U.S. authorized by verification): Install approximately 30 miles of Ultra-Spill X-tex fabric fence.

Project Purpose: Prevent oil from the Deepwater Horizon Oil Spill from entering marsh area.

Type of Permit Verified: NOD-20

Pre-construction Notification Required: Yes  No

Coordination with Agencies/Tribes: Yes  No  Date:

Commenting Agencies:

US Fish and Wildlife Service

US Environmental Protection Agency

National Marine Fisheries Service

State Agency  (if checked, list commenting state agencies)

State Historic Preservation Office

Other:

Substantive Issues and Corps Resolution: If necessary agency coordination will be conducted during review of the after-the-fact permit application

Compliance with Other Federal Laws (If specific law is not applicable write *N/A* in the adjacent text box): *N/A*

- a) Endangered Species Act: *N/A*  
Name of species present: *N/A*

Effects determination: N/A

Date of Service(s) concurrence: N/A

Basis for "no effect" determination: N/A

Additional information (optional): N/A

b) Magnuson-Stevens Act (Essential Fish Habitat): N/A

Name of species present: N/A

Effects determination: N/A

Date of Service(s) concurrence: N/A

Basis for "no effect" determination: N/A

Additional information (optional): N/A

c) Section 106 of the National Historic Preservation Act:

Known site present:  yes  no

Survey required/conducted:  yes  no

Effects determination: N/A

Rationale: N/A

Date consultation complete (if necessary): N/A

Additional information (optional): A opinion to be rendered by the SHPO upon completion of the project and review of the ATF application.

d) Section 401 Water Quality Certification:

Individual certification required:  yes  no

Issued  waived  denied  .

Additional information (optional): Blanket Concurrence for EUA

e) Coastal Zone Management Act:

Individual certification required:  yes  no

Issued  waived  denied

Additional information (optional): EUA 10-070 issued July 1, 2010.

f) Wild and Scenic Rivers Act:

Project located on designated or "study" river:  yes  no

Managing agency: N/A

Date written determination provided that the project will not adversely affect the

Wild and Scenic River designation or study status: N/A

Additional information (optional): N/A

g) Others (Specify):

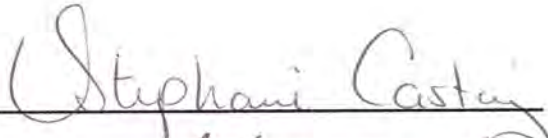
Special Conditions Required:  yes  no (If yes, provide rationale for each required condition):  
General Conditions of the NOD-20 and Section 10 conditions. Specific conditions may be incorporated as part of the ATF Permit, pending submittal and processing of the application.

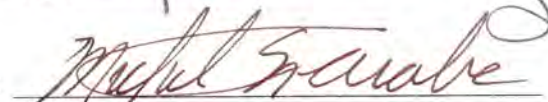


Compensatory Mitigation Required:  yes  no (If yes, provide rationale for compensatory mitigation required): A final decision on Compensatory Mitigation will be made upon completion of the forthcoming ATF application process.

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

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

Prepared by:  Stephanie Castaing

Reviewed by:  Chief, Eastern Evaluation Section

Date: June 30, 2010

## **Castaing, Stephanie L MVN**

---

**From:** Schindler, Paige P MVN  
**Sent:** Tuesday, June 29, 2010 3:33 PM  
**To:** Castaing, Stephanie L MVN  
**Cc:** Terrell, Brigitte F MVN  
**Subject:** RE: Emergency Authorization-Plaquemines Parish-MVN 2010-1550 EPP

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

-----Original Message-----

**From:** Castaing, Stephanie L MVN  
**Sent:** Tuesday, June 29, 2010 1:32 PM  
**To:** Schindler, Paige P MVN  
**Cc:** Terrell, Brigitte F MVN  
**Subject:** Emergency Authorization-Plaquemines Parish-MVN 2010-1550 EPP

Paige,

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

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

Thank you,

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

## **Castaing, Stephanie L MVN**

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**From:** Krista Clark [kclark@plaqueminesparish.com]  
**Sent:** Wednesday, June 30, 2010 1:43 PM  
**To:** Castaing, Stephanie L MVN  
**Subject:** X-tec project

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

BOBBY JINDAL  
GOVERNOR



ROBERT D. HARPER  
SECRETARY

State of Louisiana  
DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF COASTAL MANAGEMENT

July 1, 2010

CERTIFIED MAIL  
NO. \_\_\_\_\_

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

**RE: Emergency Use Authorization, EUA 10-070  
Plaquemines Parish**

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

**Location:** Wilkinson Bay. POB: Lat. 29° 27' 29.652"W, Long. 89° 57' 2.104"W"; POE: Lat. 29° 29' 21.182"W, Long. 89° 55' 40.023"W.

**Plaquemines Parish, LA**

Dear Mr. Hahn:

We have reviewed the information presented to the Office of Coastal Management (OCM) in your Emergency Use Authorization request dated June 29, 2010. Pursuant to the provisions contained in the LAC (Title 43, Part I, Chapter 7 §723.B.3.), the Emergency Use Authorization request is hereby granted. This Emergency Use Authorization provides only for that work necessary to accomplish the nature of emergency and is contingent upon acceptance of the following conditions:

1. This Emergency Use Authorization is strictly limited to the activity as described in your request and accompanying plats.
2. Dredge and fill activities for site access are not authorized unless specifically described in the work statement of this letter.
3. The applicant agrees, by virtue of the commencement of authorized activities, to submit to OCM, a complete application packet (\$100 application fee, Joint Application Form, vicinity plats, plan plats, cross section plats, etc.) for the activity not more than thirty (30) days from the date of this authorization. You

Post Office Box 44487 • Baton Rouge, Louisiana 70804-4487  
617 North Third Street • 10th Floor • Suite 1078 • Baton Rouge, Louisiana 70802  
(225) 342-7591 • Fax (225) 342-9439 • <http://www.dnr.louisiana.gov>

An Equal Opportunity Employer



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

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

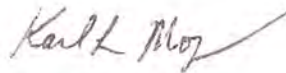
11. Unless otherwise specified, this Emergency Use Authorization will expire 30 days from the date of this letter, if the work has not been initiated or if the applicant has not submitted a complete Coastal Use Permit Application to OCM for the authorized activity. This expiration condition will be waived 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.
12. 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 [REDACTED] or [REDACTED]. 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.
13. Applicant must notify oyster leases within 500 feet of the project prior to commencement.
14. Applicant must coordinate with the Louisiana Natural Heritage Program prior to commencement, please contact David Butler at [REDACTED].
15. The applicant shall comply with all applicable state laws regarding the need to contact the Louisiana One Call (LOC) system (1-800-272-3020) to locate any buried cables and pipelines.
16. All hard structures must be marked/lighted in accordance with U.S. Coast Guard regulations. These markers/lights, if required, must be maintained at the site until such time as all potential hazards to navigation are removed. All hard structures shall be removed upon the determination by State and Federal regulatory authorities that there is no longer a significant risk of contamination from the BP Horizon Oil Spill to lands in this project area or within two (2) years from the date of this signed authorization, whichever comes first, unless specifically directed to handle otherwise by the ATF permit for this activity.
17. This emergency use authorization does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.



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

Should you have any questions or need additional help, please feel free to contact Ms. Christine Charrier, Permit Program Manager, at [REDACTED].

Sincerely,



Karl Morgan,  
Acting Administrator

AGREED TO AND ACCEPTED this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_\_

by \_\_\_\_\_  
(applicant signature)

KM/sg

Attachments (green card and plats)

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