



## UNITED FOR A HEALTHY GULF

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August 24, 2010

Angie Lacoste  
Regulatory Branch  
U.S. Army Corps of Engineers  
7400 Leake Avenue  
New Orleans, LA 70118  
Via email: [Angie.D.Lacoste@usace.army.mil](mailto:Angie.D.Lacoste@usace.army.mil)

RE: Emergency Permit: MVN-2010-02064-EKK; Deepwater Horizon Oil Spill - Surf Washing on Grand Isle - Jefferson Parish

Dear Ms. Lacoste,

I am writing on behalf of the Gulf Restoration Network (GRN), a diverse coalition of individual citizens and local, regional, and national organizations committed to uniting and empowering people to protect and restore the resources of the Gulf of Mexico. Please consider the following comments regarding the emergency permit for the Emergency Use Authorization (EUA) Request for "Surf Washing on Grand Isle" submitted by BP Exploration & Production Co. Inc. on August 23, 2010. Given the information supplied on the Corps website, we object to the issuance of this EUA. Some of our concerns are as follows:

1. Information regarding this project was not made available to the public. As of 3:00 PM Central, the announcement for this emergency permit on the Corps website <http://www.mvn.usace.army.mil/pao/mvnoilspill.asp> did not have an active link. Therefore, the public was not able to adequately review this proposal. Through other sources, we were able to acquire 2 documents, a document entitled "Sediment Relocation (Surf Washing) Demonstration Proposal, 8/13/2010," and a PDF map entitled "EUA 10-103 – Grand Isle Operation Areas.pdf." These two documents are what we will be commenting on, but this does not excuse the lack of information on the website, as no information was formally given the public.

Further, several of the "evidence" documents on pages 9-10 were not hyperlinked, and therefore not available to the public.

2. Responses to previous public comment were wholly inadequate. Apparently one of the reasons BP submitted this proposal was to answer questions from the public, but many of the questions we asked in previous comments were not addressed. Many of these concerns are below.
3. There is no justification for this to be covered an Emergency Permit. Even if this surf washing were justified, it makes no sense to perform this activity while there is still oil in the Gulf. It seems that the claim is that surf washing is primarily cosmetic as it only addresses “stained” sand. Why move forward with this project while there is still a chance for oil to wash up and once again stain/oil the sand? Further during a flyover this past Sunday (August 23, 2010) we observed an oily sheen off the beaches of Fourchon (see attached photo). Given the proximity to Grand Isle, it makes no sense to perform surf washing, if there is a chance for oil to wash back onto the beach. If it is deemed that surf washing is necessary, it should not be done until the threat of more oil washing ashore is gone; at that time, BP should apply for a regular permit.
4. BP’s proposal states that “a demonstration of sediment relocation was previously undertaken on July 16<sup>th</sup> 2010 on Grand Terre 2.” We appreciate that the current demonstration proposal released the scant data from this project. However, four water and sediment samples does not constitute a scientific justification for the surf washing that is proposed. Further in previous comments submitted by GRN, we request the permit or other authorization given to BP by the Corps and other Agencies for this demonstration on July 16, 2010 be released to the public. We have received no such authorizations. If no such authorizations were given, we request that Corps Enforcement initiate investigations as to why no permissions were sought.
5. Both the testing from the “demonstration” project and the proposed sampling/monitoring are not adequate to allow this project to move forward at this time. Simply sampling in the same place a few times in a 48 hour period does not show that the oil is being degraded. If you mix oiled sand into the surf, it will obviously be dispersed across a larger area, reducing its concentration. This, however, is not the same as reducing the amount of oil. Further, despite previous requests, no significant scientific data was produced to document that the proposed procedure would have no impact on the organisms and microorganisms that reside in the tidal zone. Again, the four water and soil samples to not give enough evidence to show that this is not harmful to these organisms, given that apparently only PAH’s were tested for. Also, did they test for migration off-shore? What would be the *physical* damage (from crushing and entombment via heavy machinery) to benthic organisms as well as organisms that reside on and under the beach?
6. What are the assurances that only “stained” areas will be surf washed? BP’s proposal gives no way to assure that only stained areas will be subject to surf washing. When

using heavy machinery, it would be difficult to determine how much oil there is under the sand, and measure if the oil is less than 0.01 cm thick.

7. The proposal states that “the demonstration will aim to show the efficacy of the technique and address some of the previous comments and concerns e.g. *the fate of oil in sands related to the lower intertidal zone.*” We respectfully submit that this proposal does not address the fate of the oil. It will only show whether or not oiled sand stays in the same place once it is mechanically moved back into the Gulf. For example, we question the effectiveness of the sentinel snare arrays of picking up oil that is bound to sand particles. Further, less than three days of monitoring and sampling is not adequate.
8. The request gives no information as to the quantity of oil that will be put back into the ecosystem. Will this amount be quantified? How much would be allowed under the General Permit? Page 9 of the proposal states that the “stained oil...will equate to a volume of 0.0001 per square meter of sediment.” There are no units associated with the volume claimed, giving this calculation no frame of reference or meaning.
9. There is inadequate information regarding direct, indirect, secondary, and cumulative impacts of this proposal.
10. Are there any threatened or endangered species in the area? In the documents we were able to acquire, there was no mention of endangered, threatened, or otherwise sensitive animals, such as fish, birds, turtles, and mammals. There must be a thorough analysis to analyze existence and impacts to any sensitive species.
11. We are concerned that BP is proposing a potentially harmful and controversial project to be covered under a general permit (NOD 20). General permits are intended to have negligible impacts individually and cumulatively, however this project could have impacts that would normally require an Environmental Assessment or full Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA). While we acknowledge that this disaster requires regulatory flexibility, general permits were never intended to address projects with potentially significant environmental impacts. We are deeply troubled by the precedent that would be set by this action.

We would like to be clear that we are very concerned about the impacts of the BP oil drilling disaster; however, hastily moving forward with this effort that would re-introduce contaminants into the Gulf and impact wildlife habitat is not the best approach. For the above reasons, we request that the Corps deny BP’s request for the General Permit.

Thank you for reviewing our concerns. I would be happy to explore these ideas further if you have any questions.

For a healthy Gulf,

Matt Rota  
Water Resources Program Director

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Oily Sheen off of Fourchon, August 22, 2010