



## UNITED FOR A HEALTHY GULF

---

338 Baronne St., Suite 200, New Orleans, LA 70112  
Mailing Address: P.O. Box 2245, New Orleans, LA 70176  
Phone: (504) 525-1528 Fax: (504) 525-0833  
[www.healthygulf.org](http://www.healthygulf.org)

July 22, 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-2010-01753-EKK; Surf washing proposal submitted by BP Exploration and Production

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 of Sand on Grand Terre Island" submitted by BP Exploration & Production Co. Inc. on July 19, 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. BP's proposal states that a "demonstration of this clean up technique was performed with DNR observers (Steve Lorio and Regina Staten on July 16, 2010). The results of this "demonstration" must be made available to the public and the commenting agencies before any action is taken. Further, 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. If no such authorizations were given, we request that Corps Enforcement initiate investigations as to why no permissions were sought.
2. No 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. While the request states that "neither the benthic sediments or suspended particulate material reach unacceptable toxicity levels," there are no data to back this up. What are "acceptable" toxicity levels? Did they test for migration off-shore? What organisms did

they study? What would be the *physical* damage to benthic organisms as well as organisms that reside on and under the beach? What are the impacts to water quality?

3. Oil released from the BP Drilling Disaster is harmful. It is BPs responsibility to *remove* the oil, not re-introduce it to the ecosystem. This re-introduction in lieu of proper disposal is unacceptable.
4. 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?
5. According to the one drawing, there is more than an "oily stain," so Ms. Jarrell's statement (p. 3 of 35 of document on Corps website) regarding this being "accepted across industry and government" is irrelevant to the current status of the BP Oil Disaster.
6. The short time allowed to review this application (July 21, 2010 is the first time any of my colleagues heard about this proposal, which might be approved/disapproved by July 23) and lack of scientific information within the application does not allow for adequate review by the public and concerned scientists.
7. There is inadequate information regarding direct, indirect, secondary, and cumulative impacts of this proposal.
8. Adequate information on the impact this activity will have on the habitat of the threatened piping plover has not been provided. Additionally, the proposed timeframe of this project could interfere in nesting of other birds.
9. No additional plats were provided to the Corps, despite repeated requests.
10. 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 will certainly 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, as well as reasons submitted by many federal and state agencies, 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

CC: Col. Alvin Lee, USACE New Orleans District  
Mike Boots, CEQ  
Host Greczmiel, CEQ  
Garret Graves, State of Louisiana  
Lisa Jackson, EPA  
Al Armendariz, EPA Region 6  
Lawrence Starfield, EPA Region 6  
John Ettinger, EPA Region 6  
Jane Lubchenco, NOAA  
Pete Serio, USACE New Orleans District