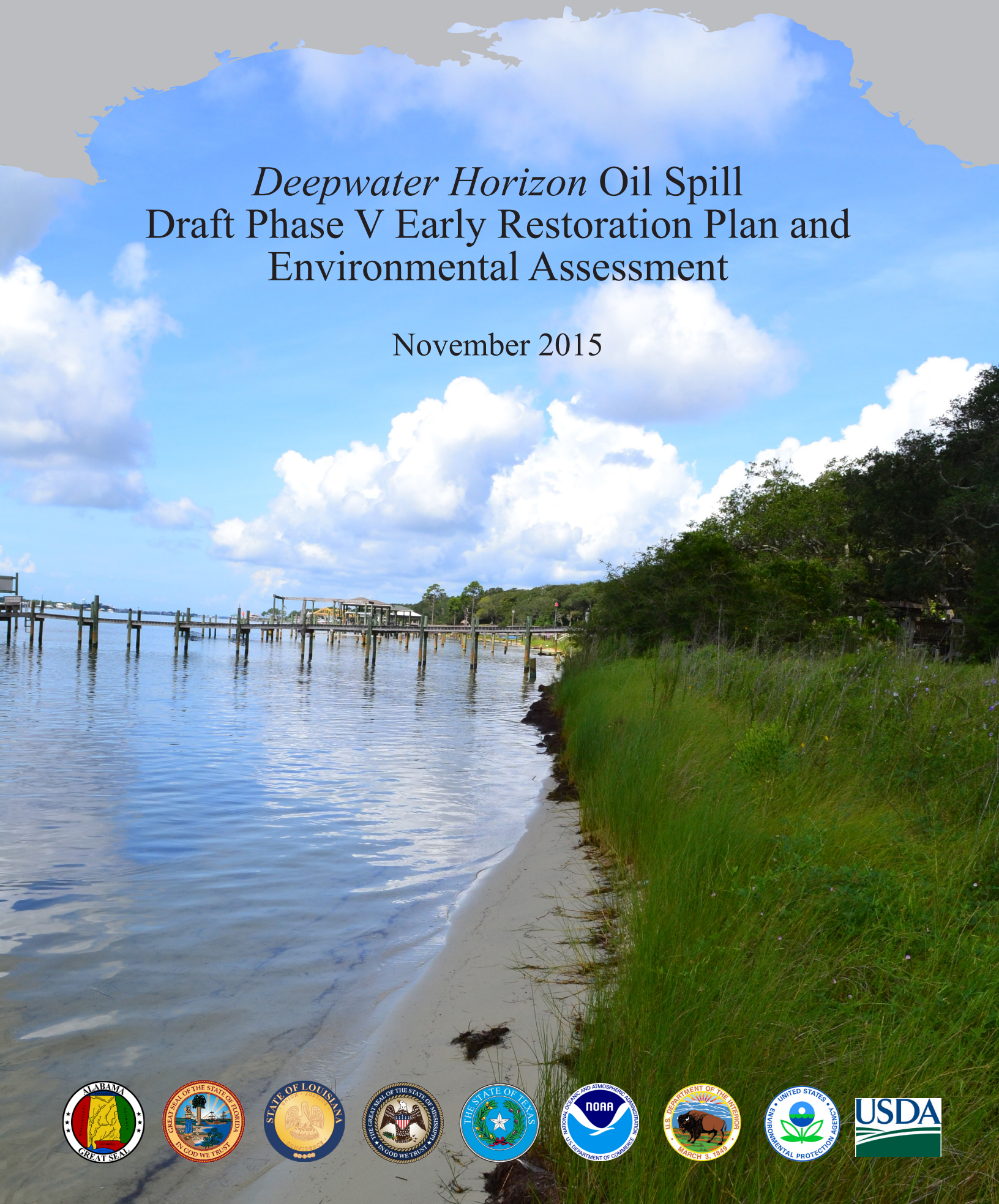
Deepwater Horizon Oil Spill
Draft Phase V Early Restoration Plan and Environmental Assessment

November 2015



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Executive Summary

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ES.1.1 Introduction

On or about April 20, 2010, BP Exploration and Production Inc. (BP) was using Transocean's mobile offshore drilling unit *Deepwater Horizon* to drill a well in the Macondo prospect (Mississippi Canyon 252–MC252) when the well blew out, and the drilling unit exploded, caught fire and subsequently sank in the Gulf of Mexico (the Gulf). This incident resulted in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed.

Pursuant to the Oil Pollution Act (OPA), Title 33 United States Code (U.S.C.) §§ 2701 *et seq*., and the laws of individual affected states, federal and state agencies, Indian tribes and foreign governments act as trustees on behalf of the public to assess injuries to natural resources and their services[1] that result from an oil spill incident, and to plan for restoration to compensate for those injuries. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship (hereafter collectively referred to as "restoration").

This document, prepared jointly by State and Federal Trustees, serves as a Draft Phase V Early Restoration Plan (ERP) under OPA, and also contains the associated Environmental Assessment (EA) for the proposed Phase V project under the National Environmental Policy Act (NEPA) (collectively Draft Phase V ERP/EA).

The Trustees are proposing one project for inclusion in the Phase V ERP/EA: the Florida Coastal Access Project. This document is intended to provide the public and decision-makers with information and analysis on the Trustees' proposal to proceed with the selection and implementation of the first phase of the proposed Florida Coastal Access Project.

The Trustees are actively seeking public comments regarding the restoration actions proposed in the Draft Phase ERP/EA. A Notice of Availability of this document and the request for input is available at: www.gulfspillrestoration.noaa.gov. The Draft Phase V ERP/EA's release opens a 30-day public comment period. The Trustees will hold a public meeting in Florida. The meeting will begin with an interactive open house during which Trustee staff will be available to discuss the project details.

Please visit www.gulfspillrestoration.noaa.gov to download an electronic copy of the Draft Phase V ERP/EA and to view a list of public libraries and community locations across the Gulf in which copies of the draft have been placed for public review. In addition to verbal comments at the public meeting, the public may submit written comments:

- Online: www.gulfspillrestoration.noaa.gov
- By U.S. Mail: U.S. Fish and Wildlife Service, P.O. Box 49567, Atlanta, GA 30345.

The public, government agencies, and other entities have identified and continue to identify a large number of potential restoration projects for consideration during the restoration planning process.

[1] Services (or natural resource services) means the functions performed by a natural resource for the benefit of another natural resource and/or the public (15 C.F.R. § 990.30).

Projects not identified for inclusion in Phase V of Early Restoration may continue to be considered for inclusion in future restoration planning.

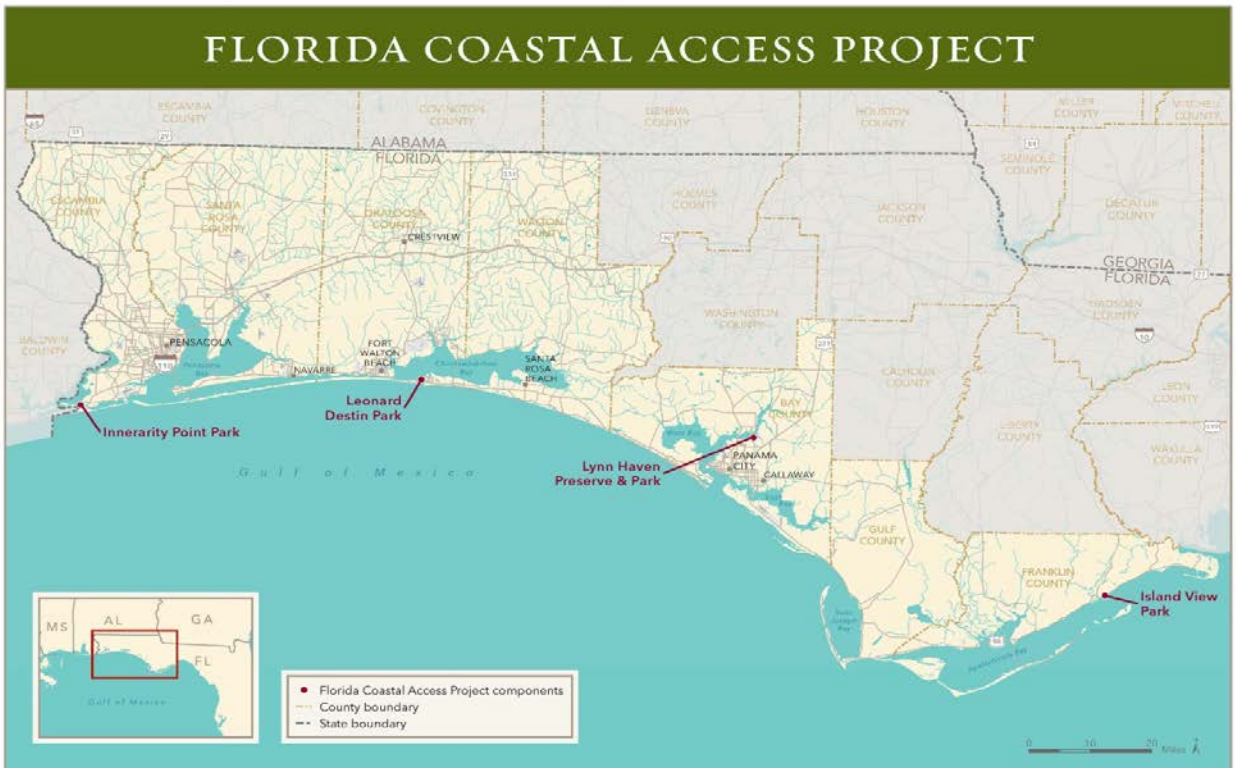
ES.1.2 Proposed Phase V Early Restoration Project

The Trustees are proposing implementation of the first phase of the Florida Coastal Access Project as Phase V of Early Restoration. The first phase of the proposed Florida Coastal Access Project involves the acquisition and/or enhancement of four coastal project locations in the Florida Panhandle. The primary goal of the project is to enhance the public's access to the surrounding natural resources and increase recreational opportunities[2]. The four locations proposed in Phase V are Innerarity Point Park, Leonard Destin Park, Lynn Haven Preserve and Park, and Island View Park (see Figure ES-1). The Innerarity Point Park, Leonard Destin Park, and the Lynn Haven Preserve and Park sites would be acquired, while the Island View Park site is already in local government ownership. A public park would be built at each site. The proposed public parks on each of the four coastal project sites include the construction of various amenities such as docks, picnic areas, wildlife viewing platforms, natural playground areas, restroom facilities, and parking areas. Ten years of operation and maintenance activities are budgeted for and would be utilized by the respective county or city, through grant agreements with the Florida Department of Environmental Protection, to provide for upkeep of the improved properties as public parks. Implementation of the first phase of the proposed Florida Coastal Access Project would be performed in two stages: (1) the acquisition of three of the four coastal parcels and (2) the final design and construction of the park infrastructure and amenities at each of the four sites. Additional details on the proposed project, its benefits and environmental impacts are provided in Chapters 2 and 3 of this document.

The first phase of the Florida Coastal Access Project proposed in this Draft Phase V ERP/EA is estimated to cost $34,372,184. The $11,043,389 balance of the total estimated Florida Coastal Access Project cost ($45,415,573) would be expended by the Implementing Trustee(s) in a second phase of the project to secure one or more additional properties in the Florida Panhandle and to plan, select and implement actions on the additional property(ies), based on design and construction of passive recreational amenities that would create further recreational uses and coastal access for the public, with ten years of funding for the operation and maintenance of such property(ies) as public parks. That second phase of the proposed Florida Coastal Access Project would be described, proposed, and selected by the Trustees in a future restoration plan, in the same manner and using the same criteria as described in this Draft Phase V ERP/EA and in accordance with OPA, NEPA and other applicable laws, and after public review of the proposed actions.

[2] Relevant project types from the Trustees' preferred programmatic alternative (see Chapter 2 of the Final Phase III ERP/PEIS).

Figure ES-1. First Phase of the Florida Coastal Access Project: Site Locations (courtesy of The Trust for Public Land)



ES.1.3 Environmental Assessment of Proposed Phase V Early Restoration Project

This environmental assessment (EA) addresses the first phase of the proposed Florida Coastal Access Project, and tiers from the Final Phase III ERP/PEIS. The first phase of the proposed Florida Coastal Access Project is consistent with the Final Phase III ERP/PEIS Preferred Alternative as described in the 2014 Record of Decision (79 FR 64831-64832 (October 31, 2014)) and the Trustees find that the conditions and environmental effects described in the broader NEPA review are applicable[3].

Chapter 3 of this document supplements the Phase III ERP/PEIS programmatic analysis with site-specific information. In particular, Chapter 3 provides NEPA analysis for potential impacts for site-specific issues and concerns anticipated from implementation of the Proposed Action and the No Action Alternative, described as follows:

[3] Specifically, this proposed Phase V Early Restoration project tiers from the analyses found in sections of the Final Phase III ERP/PEIS that describe: Description of Alternative 4: Preferred Alternative: Contribute to Restoring Habitats, Living Coastal and Marine Resources and Recreational Opportunities, which includes Alternative 3: Contribute to Providing and Enhancing Recreational Opportunities; the Proposed Early Restoration Programmatic Plan: Development and Evaluation of Alternatives; Section 5.3.5.1: Enhance Public Access to Natural Resources for Recreational Use; Environmental Consequences of Alternatives, Section 5.3.5.2: Enhance Recreational Experiences, 5.3.5.3: Promote Environmental and Cultural Stewardship, Education, and Outreach, Section 6.5.1: Project Type 10: Enhance Public Access to Natural Resources for Recreational Use; Environmental Consequences of Alternatives, Section 6.5.2: Project Type 11: Enhance Recreational Experiences; and Environmental Consequences of Alternatives, Section 6.5.3: Project Type 12: Promote Environmental and Cultural Stewardship, Education, and Outreach.

- **No Action Alternative**: The No Action alternative, inclusion of which is a NEPA requirement, is a viable alternative, and also provides a benchmark, enabling decision-makers to compare the magnitude of environmental effects of the action alternatives (CEQ 1502.14(d)). In this case, the No Action Alternative is to leave the four existing properties in their current conditions. This means that three of the parcels would not be acquired and improved for recreational purposes, and while the fourth parcel, which is publicly owned, would have some improvements for recreational use, the improvements would be significantly less than what would be included under the Proposed Action. The three privately owned properties could ultimately be sold for other purposes.
- **Proposed Action**: The Proposed Action would be the first phase of the Florida Coastal Access Project, which includes the enhancement of recreational opportunities on four costal parcels in Florida. This first project phase would be performed in two stages: (1) the acquisition of three of the four parcels and (2) the final design and implementation of the project components on the four parcels[4].

The Trustees have determined that the acquisition of the project parcels in stage one would have no adverse environmental effects, and therefore could proceed independent of and prior to the completion of all compliance reviews required for the final design and construction stages of this project (including those conducted under the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, National Historic Preservation Act, and Clean Water Act, among others).

NEPA analysis of the environmental consequences suggests that the construction stage of the project may result in short term and long term minor to moderate adverse impacts to many resources (including geology and substrates, water quality and hydrology, noise, biological environment, as well as socioeconomics and cultural resources). Moderate short-term adverse impacts could occur to tourism and recreation, and aesthetics and visual resources; however, long-term benefits are expected for those resources after construction is complete. The project is not expected to substantially contribute to adverse cumulative impacts on affected resources.

The Trustees have begun coordination on the other required compliance reviews, which would be completed prior to initiating construction at any of the four project component sites. After the completion of these reviews, designs for each of the four project components would be modified as necessary to avoid and/or minimize adverse impacts to natural resources, including protected species, essential fish habitat, cultural resources, and wetlands.

ES.1.4 Notice of Changes to Two Phase III Early Restoration Projects

Coincident with the release of this Draft Phase V ERP/EA, the Trustees are providing notice of changes for two Early Restoration projects selected in Phase III, together with their analysis and determinations regarding each under Section 9.2 of the Record of Decision for the Final Phase III ERP/PEIS.

[4] As noted elsewhere in this document, a future phase of the proposed Florida Coastal Access Project would undergo separate NEPA review.

Based on their evaluation, the Trustees have determined that the proposed change to the Strategically Provided Boat Access along Florida's Gulf Coast: Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements) Project would create new circumstances relevant to environmental concerns not addressed in the impact analysis of the Final Phase III ERP/PEIS and have provided a supplemental NEPA environmental assessment in Appendix A.

The Trustees are in the process of reinitiating consultations to evaluate whether environmental consequences of the change to the City of Port St. Joe, Frank Pate Boat Ramp Improvements Component will be substantial. The supplemental NEPA analysis provided herein remains subject to the results of additional consultations and reviews, as required for compliance with all other laws (e.g., ESA, EFH, etc.), including consideration of any significant new circumstances or information presented as part of those processes.

Based on their evaluation, the Trustees have determined that the proposed change to the Florida Artificial Reef Creation and Restoration Project does not require supplemental analysis because it does not raise environmental or OPA issues not already addressed in the Phase III evaluation. This analysis is presented in Appendix B.