

## POTPOURRI

### Department of Natural Resources Office of the Secretary

#### Fishermen's Gear Compensation Fund

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 3 claims in the amount of \$10,331.92 were received for payment during the period September 1, 2012-September 30, 2012.

There were 3 paid and 0 denied.

Latitude/longitude coordinates, in degree decimal minutes, of reported underwater obstructions are:

29 09.390	90 39.200	Terrebonne
29 13.722	89 58.679	Jefferson
29 17.921	89 48.390	Plaquemines

A list of claimants and amounts paid can be obtained from Gwendolyn Thomas, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call (225) 342-9388.

Stephen Chustz  
Interim Secretary

1210#028

## POTPOURRI

### Department of Public Safety and Corrections Oil Spill Corrdinator's Office

Request for Comments—Deepwater Horizon  
Oil Spill—Draft Phase II Early Restoration  
Plan and Environmental Assessment

#### Action:

Notice of availability; request for comments.

#### Summary:

In accordance with the Oil Pollution Act of 1990 (OPA), the Louisiana Oil Spill Prevention and Response Act (OSPRA), the National Environmental Policy Act (NEPA), and the framework agreement for early restoration addressing injuries resulting from the Deepwater Horizon oil spill (framework agreement), the federal and state natural resource trustee agencies (trustees) are preparing a draft early restoration plan and environmental assessment (DERP/EA) proposing early restoration projects intended to continue the process of restoring natural resources and services injured or lost as a result of the Deepwater Horizon oil spill, which occurred on or about April 20, 2010, in the Gulf of Mexico. The trustees previously released to the public a Draft Phase I Early Restoration Plan and Environmental Assessment in December 2011, which was approved as final in February 2012. The purpose of this notice is to inform the public of the availability of a Phase II DERP/EA, with an anticipated release date on or about October 30, 2012, and to seek written comments on the proposed restoration alternative presented in the Phase II DERP/EA.

#### Dates:

Comments Due Date. Public comments received on or before November 30, 2012 (or 30 days from the availability of the Phase II DERP/EA) will be considered.

Public Meeting. A public meeting will be scheduled to facilitate public review and comment on the Phase II DERP/EA. Both written and verbal public comments will be taken at the meeting. Details regarding meeting information will be published in local newspapers and will be posted on the web at <http://losco-dwh.com/>.

#### Addresses:

Obtaining Documents. You may download the Phase II DERP/EA once available, which is expected to be on or about October 30, 2012, at <http://losco-dwh.com/>. Please visit <http://losco-dwh.com/> for updates on the availability of the Phase II DERP/EA.

Alternatively, you may request a CD of the Phase II DERP/EA (see for further information contact). You may also review hard copies of the Phase II DERP/EA at the public repositories listed at <http://losco-dwh.com/>.

Submitting Comments. You may submit comments on the Phase II DERP/EA by one of the methods listed in the Phase II DERP/EA or any of the following:

- via the web: <http://losco-dwh.com/EarlyRestorationPlanning.aspx>;
- for electronic submission of comments containing attachments, email: [Karolien.Debusschere@la.gov](mailto:Karolien.Debusschere@la.gov);
- U.S. Mail: Louisiana Oil Spill Coordinator's Office, P.O. Box 66614, Baton Rouge, LA 70806 or U.S. Fish and Wildlife Service, P.O. Box 2099, Fairhope, AL 36533.

For further information contact Karolien Debusschere at [Karolien.Debusschere@la.gov](mailto:Karolien.Debusschere@la.gov).

#### Supplementary Information:

Introduction. On or about April 20, 2010, the mobile offshore drilling unit Deepwater Horizon, which was being used to drill a well for BP Exploration and Production, Inc. (BP) in the Macondo prospect (Mississippi Canyon 252-MC252), experienced a significant explosion, fire and subsequent sinking in the Gulf of Mexico, resulting in discharges of oil and other substances from the rig and from the wellhead on the seabed. An estimated 4.9 million barrels (210 million gallons) of oil were released from the well into the Gulf of Mexico over a period of approximately three months. In addition, an estimated 1.84 million gallons of dispersants were applied to the waters of the spill area in an attempt to minimize impacts from spilled oil. Affected resources include ecologically, recreationally, and commercially important species and their habitats in the Gulf of Mexico and along the coastal areas of Alabama, Florida, Louisiana, Mississippi, and Texas.

Federal and state trustees (listed below) are conducting the natural resource damage assessment for the Deepwater Horizon oil spill under the Oil Pollution Act 1990 (OPA; 33 U.S.C. §2701 et seq.). Pursuant to OPA, federal and state agencies and Indian tribes may act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the damages required to compensate the public for those injuries and losses. 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.

The trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries and Department of Natural Resources;
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- Texas Parks and Wildlife Department, Texas General Land Office and Texas Commission on Environmental Quality.

The U.S. Department of Defense (DOD), the Environmental Protection Agency (EPA) and the United States Department of Agriculture (USDA) are trustees but, to date, have not become signatories of the framework agreement.

#### **Background:**

On April 20, 2011, BP agreed to provide up to \$1 billion toward early restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the Deepwater Horizon oil spill. This early restoration agreement, entitled *Framework for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill* (framework agreement), represents a preliminary step toward the restoration of injured natural resources. The framework agreement is intended to expedite the start of restoration in the Gulf in advance of the completion of the injury assessment process. The framework agreement provides a mechanism through which the trustees and BP can work together to commence implementation of early restoration projects that will provide meaningful benefits to accelerate restoration in the Gulf as quickly as practicable prior to the completion of the natural resource damage assessment process or full resolution of the trustees' natural resource damages claim.

The trustees have actively solicited public input on restoration project ideas through a variety of mechanisms, including public meetings, electronic communication, and creation of a trustee-wide public website and database to share information and receive public project submissions. The trustees are considering a broad array of potential early restoration projects. Their key objective in pursuing early restoration is to secure tangible recovery of natural resources

and natural resource services for the public's benefit while the longer-term process of fully assessing injury and damages is still underway. In addition to the initial eight projects proposed in December 2011, the trustees are proposing additional projects, which will be set forth in the Phase II DERP/EA, in accordance with OPA and NEPA. The projects proposed in this plan are not intended to, and do not fully, address all injuries caused by the spill or provide the extent of restoration needed to satisfy claims against BP.

In keeping with the framework agreement, the Phase II DERP/EA will include an estimate of benefits anticipated to result from each project, referred to as "natural resource damage offsets" (NRD offsets). If these projects are approved, at the end of the NRDA process, the trustees would credit the NRD offsets generated by these early restoration projects towards the total restoration credits required based on the completed injury assessment. Further comprehensive restoration will still be required to fully compensate the public for natural resource losses from the oil spill.

#### **Next Step:**

After the public comment period ends, the trustees will analyze and address the comments and consider all input received before a phase II early restoration plan is finalized. As described above, a public meeting will be scheduled to facilitate the public review and comment process. Upon completion of the Phase II Early Restoration Plan, agreement with BP regarding these projects will be finalized and approved projects will proceed to implementation, pending compliance with all applicable state and federal laws.

#### **Public Availability of Comments:**

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information, may be publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### **Administrative Record:**

The documents comprising the Administrative Record can be viewed electronically at the following location: <http://losco-dwh.com/AdminRecord.aspx>.

#### **Authority:**

The authority of this action is the Oil Pollution Act of 1990 (33 U.S.C. §2701 et seq.), the implementing Natural Resource Damage Assessment regulations found at 15 CFR Part 990, the Louisiana Oil Spill Prevention and Response Act (La. R.S. §§30:2451-2496 (2010)), the implementing Natural Resource Damage Assessment regulations found at LAC 43:XXIX.101 et seq., and the framework agreement for addressing injuries resulting from the Deepwater Horizon oil spill.

Brian Wynne  
Coordinator

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