

POTPOURRI

**Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund**

Underwater Obstruction—Latitude/Longitude Coordinates

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 6 claims in the amount of \$21,303.87 were received for payment during the period June 1, 2014-June 30, 2014.

There were 6 paid and 0 denied.

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

29 05.306	89 00.796	Plaquemines
29 09.360	90 05.660	Lafourche
29 24.338	89 58.193	Lafourche
29 44.629	89 26.850	Saint Bernard
29 49.968	89 40.873	Saint Bernard

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 Chutz
Secretary

1407#028

POTPOURRI

**Department of Natural Resources
Office of Conservation
Engineering-Regulatory Division**

**Advanced Notice of Rulemaking and Solicitation of
Comments on Financial Security for the Plug and
Abandonment of Oil and Gas Wells and Determinations of
Future Utility (LAC 43:XIX.Subpart 1)**

As recommendations of a 2014 Performance Audit the Department of Natural Resources, Office of Conservation is requesting comments on the following enumerated issues regarding Financial Security for the Plug and Abandonment of Oil and Gas Wells and Determinations of Future Utility, LAC 43:XIX.Subpart 1.

Written comments concerning the proposed revisions are due no later than 4:30 p.m., August 20, 2014, and should be submitted to Brent Campbell, Office of Conservation, Engineering-Regulatory Division, P.O. Box 94275 Capitol Station, Baton Rouge, LA 70804-9275 or by fax to (225) 242-3663. Persons commenting should reference this document as CON ENG 14-01.

1. Revise current regulations to require that all operators, without exception, provide financial security or some type of financial assurance on newly permitted wells or wells with amended permits.

2. Revise current regulations to increase the amount of financial security to be more reflective of the costs to properly plug and remediate orphaned well sites. In addition, implement a process to periodically review and adjust

financial security amounts to ensure they are reflective of the costs to plug and remediate orphan well sites.

3. Revise current regulations to require a specific timeframe for how long an inactive well can remain in future utility status, including how often and under what circumstances extensions will be granted.

4. Revise current regulations to require additional financial security or charging a yearly fee for wells in future utility status because the longer a well is in this status, the higher the likelihood it will be abandoned.

James H. Welsh
Commissioner

1407#030

POTPOURRI

**Department of Public Safety and Corrections
Oil Spill Coordinator's Office**

**Deepwater Horizon Oil Spill; Final Programmatic and Phase
III Early Restoration Plan and Final Early Restoration
Programmatic Environmental Impact Statement**

Action:

Notice of availability of final plan

Summary:

In accordance with the Oil Pollution Act of 1990 (OPA), the Louisiana Oil Spill Prevention and Response Act (OSPRA), and the National Environmental Policy Act (NEPA), notice is hereby given that the federal Deepwater Horizon natural resource trustee agencies and the State Deepwater Horizon natural resource trustee agencies for Louisiana, Mississippi, Alabama, and Florida (participating trustees) have prepared a final programmatic and phase III early restoration plan and final early restoration programmatic environmental impact statement (final phase III ERP/PEIS or plan). This notice announces the availability of the final phase III ERP/PEIS. The Texas natural resource trustee agencies are not joining in the issuance of the final phase III ERP/PEIS at this time.

The final phase III ERP/PEIS considers programmatic alternatives comprised of early restoration project types that would restore natural resources, ecological services, and recreation use services injured or lost as a result of the Deepwater Horizon oil spill (hereinafter "the spill"). The participating trustees additionally propose 44 specific early restoration projects for implementation that are consistent with the proposed early restoration program alternatives. The participating trustees have developed restoration alternatives and projects to utilize funds for early restoration being provided under the framework for early restoration addressing injuries resulting from the Deepwater Horizon oil spill (framework agreement) discussed below. The final phase III ERP/PEIS evaluates these programmatic restoration alternatives and projects under criteria set forth in the NRDA regulations and the framework agreement. The final phase III ERP/PEIS also evaluates the environmental consequences of the restoration alternatives and projects under NEPA. The purpose of this notice is to inform the public of the availability of the final phase III ERP/PEIS, which occurred on June 26, 2014.

This notice of availability also serves as notice that the Trustees intend to use components of existing restoration projects, as further described in the final phase III ERP/PEIS and required by 15 C.F.R. §990.56 (b)(3). In those instances, the projects were previously developed with public review and comment and are subject to current public review and comment, are adequate to partially compensate the environment and public as part of the trustees' ongoing early restoration efforts, address resources that have been identified by Trustees as being injured by the spill, and are reasonably scalable for early restoration purposes.

Addresses:

Obtaining the Document: You may download the final phase III ERP/PEIS at <http://losco-dwh.com/>. Alternatively, you may request a CD of the document (see For Further Information Contact). You may also review copies of the document at the public facilities listed at <http://losco-dwh.com/>.

For Further Information Contact:

Karolien Debusschere at 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 seafloor. An unprecedented volume of oil and other discharges were released from the well into the Gulf of Mexico over a period of approximately three months. In addition, well over one million gallons of dispersants were applied to the waters of the spill area in an attempt to minimize impacts from spilled oil. An undetermined amount of natural gas was also released to the environment as a result of the spill. 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.

The state and federal natural resource trustees (trustees) are conducting the natural resource damage assessment for the spill under 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 actions 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, including the loss of use and services from those resources from the time of injury until the time restoration is complete.

The trustees are:

- United States 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 United States Department of Commerce;

- United States Department of Agriculture (USDA);
- United States Environmental Protection Agency (EPA);
- Louisiana Coastal Protection and Restoration Authority, Louisiana Oil Spill Coordinator's Office, Louisiana Department of Environmental Quality, Louisiana Department of Wildlife and Fisheries, and Louisiana Department of Natural Resources;
- Mississippi Department of Environmental Quality;
- Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- Florida Department of Environmental Protection and Florida Fish and Wildlife Conservation Commission; and
- Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

The United States Department of Defense (DOD) is a trustee but, to date has not become a signatory to 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 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. 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. The trustees released, after public review of a draft, a phase I early restoration plan/environmental assessment in April 2012, which included eight early restoration projects. Subsequently, the trustees released, after public review of a draft, a phase II early restoration plan/environmental review in December 2012, which included an additional two projects. These two plans are available at <http://losco-dwh.com/>.

The trustees considered hundreds of projects leading to the identification of a potential 28 future early restoration

projects announced in the *Federal Register* on May 6, 2013 (78 FR 26319-26323). On June 4, 2013, the trustees announced their intent to prepare a programmatic environmental impact statement (PEIS) under OPA and NEPA to evaluate the environmental consequences of early restoration project types, as well as to propose a phase III early restoration plan to address injuries from the spill that would include the 28 early restoration projects announced in the May 2013 notice and an additional 16 projects. In accordance with NEPA, the trustees conducted scoping to identify the concerns of the affected public, federal agencies, states, and Indian tribes and involve the public in the decision making process. A scoping process reduces paperwork and delay by ensuring that important issues are considered early in the decision making process. To gather public input, the trustees hosted six public meetings. The trustees also accepted written comments electronically and via U.S. mail during the scoping period.

A notice of availability for the draft programmatic and phase III early restoration plan and draft early restoration programmatic environmental impact statement (draft phase III ERP/PEIS) was published in the *Federal Register* on December 6, 2013 (78 FR 73555), and in the *Louisiana Register* on November 20, 2014 (Vol. 39, No. 11 *La. Register* 3181-3183 (November 2013)) and December 20, 2014 (Vol. 39, No. 12 *La. Register* 3409-3411 (December 2014)). The draft phase III ERP/PEIS considered programmatic alternatives for early restoration and proposed 44 early restoration projects in phase III of early restoration consistent with the project types included in the proposed programmatic alternative. The trustees provided the public with 75 days to review and comment on the draft phase III ERP/PEIS. During that review period, the Trustees also held public meetings in Mobile, Alabama, Long Beach, Mississippi, Belle Chasse, Thibodaux, and Lake Charles, Louisiana, Port Arthur, Galveston, and Corpus Christi, Texas, and Pensacola, Florida to facilitate public comment on the draft phase III ERP/PEIS. The trustees considered the public comments received on the draft phase III ERP/PEIS, which informed the Trustees' analyses of programmatic alternatives and specific early restoration projects in the phase III ERP/PEIS. A summary of the public comments received and the Trustees' responses to those comments are addressed in Chapter 13 of the final phase III ERP/PEIS.

Overview of the Phase III ERP/PEIS

The final phase III ERP/PEIS is being released in accordance with OPA, the NRDA regulations found at 15 C.F.R. §990, and NEPA.

The final phase III ERP/PEIS proposes early restoration programmatic alternatives and evaluates the potential environmental and cumulative effects of those alternatives. The final phase III ERP/PEIS groups 12 project types into two categories: 1) Contribute to Restoring Habitats and Living Coastal and Marine Resources, and 2) Contribute to Providing and Enhancing Recreational Opportunities. These categories provide the basis for defining the list of four proposed alternatives included in the document:

- Alternative 1: No Action (No Additional Early Restoration);

- Alternative 2: Contribute to Restoring Habitats and Living Coastal and Marine Resources;
- Alternative 3: Contribute to Providing and Enhancing Recreational Opportunities; and
- Alternative 4: (Preferred Alternative) Contribute to Restoring Habitats and Living Coastal and Marine Resources and Recreational Opportunities.

The participating trustees propose to select 44 projects as described in the final phase III ERP/PEIS, totaling an estimated cost of approximately \$627 million. The proposed restoration projects are intended to continue the process of using early restoration funding to restore natural resources, ecological services, and recreational use services injured or lost as a result of the spill. The participating trustees considered both ecological and recreational use restoration projects to restore injuries caused by the spill, addressing both the physical and biological environment, as well as the relationship people have with the environment. The projects proposed in phase III are not intended to, and do not, fully address all injuries caused by the spill or provide the extent of restoration needed to make the public and the environment whole. The trustees anticipate that additional early restoration projects will be proposed as the early restoration process continues.

Next Step

In accordance with NEPA, a federal agency must prepare a concise public Record of Decision (ROD) at the time the agency makes a decision in cases involving an EIS. 40 C.F.R. §1505.2. Accordingly, the Trustees will prepare a ROD for the final Phase III ERP/PEIS that provides and explains the Trustees' decisions regarding the selection of a programmatic early restoration alternative and specific early restoration projects. The Trustees will issue the ROD no earlier than 30 days after the Environmental Protection Agency publishes a notice in the *Federal Register* announcing the availability of the Final Phase III ERP/PEIS. 40 C.F.R. §1506.10. Upon finalization of the final Phase III ERP/PEIS and the ROD, agreement with BP regarding these projects will be completed, and approved projects will then proceed to implementation, pending compliance with all applicable state and federal laws.

Administrative Record

The documents comprising the administrative record can be viewed electronically at the following location:

<http://losco-dwh.com/AdminRecord.aspx>; or
<http://www.doi.gov/deepwaterhorizon>.

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 C.F.R. Part 990, the Louisiana Oil Spill Prevention and Response Act (La. R.S. §§30:2451-2496 (2010)), and the implementing Natural Resource Damage Assessment regulations found at La. Admin. Code 43:101 *et seq.*

Brian Wynne
Coordinator

1407#036