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Office of the Governor

Coastal Protection and Restoration Authority

Deepwater Horizon Oil Spill: Louisiana Trustee Implementation Group Final Restoration Plan #1: Restoration of Wetlands, Coastal, and Nearshore Habitats; Habitat Projects on Federally Managed Lands; and Birds

ACTION:

Notice of Availability of Final Restoration Plan

SUMMARY:

In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), notice is hereby given that the state and federal Deepwater Horizon (DWH) oil spill natural resource trustee agencies for the Louisiana Trustee Implementation Group (Louisiana TIG) have approved the "Louisiana Trustee Implementation Group Final Restoration Plan #1: Restoration of Wetlands, Coastal, and Nearshore Habitats; Habitat Projects on Federally Managed Lands; and Birds" (final restoration plan 1). The Louisiana TIG prepared this final restoration plan 1 in accordance with the DWH programmatic damage assessment and restoration plan/programmatic environmental impact statement (PDARP/PEIS), the DWH record of decision (ROD), and OPA. This final restoration plan 1 describes the DWH natural resource damage assessment (NRDA) restoration planning process, identifies a reasonable range of restoration alternatives to address a portion of the injuries to resources and habitats caused by the DWH oil spill, and proposes from those alternatives a suite of preferred restoration alternatives on which the Louisiana TIG intends to conduct engineering and design (E and D). For the projects identified as preferred restoration alternatives in this final restoration plan 1, the Louisiana TIG may, after completion of the E and D process discussed in this plan, select some or all of those projects for

implementation using DWH NRDA funds. Those selected projects would then be fully evaluated under NEPA and OPA in a future draft restoration plan which would be provided to the public for review and comment in accordance with the appropriate Louisiana and federal laws. The purpose of this notice is to inform the public of the availability of the final restoration plan 1.

ADDRESSES:

Obtaining the Document: You will be able to download the final restoration plan 1, which is expected to be released January 20, 2017, at <http://la-dwh.com/>. Alternatively, you may request a CD of the final restoration plan 1 (see FOR FURTHER INFORMATION CONTACT). You will also be able to review copies of the document at the public repositories listed at <http://la-dwh.com/>.

FOR FURTHER INFORMATION CONTACT:

Liz Williams at LATIG@la.gov.

SUPPLEMENTARY INFORMATION:

Background

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 an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The DWH oil spill is the largest oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days. In addition, well over 1 million gallons of dispersants were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas was also released into the environment as a result of the spill.

The DWH state and federal natural resource trustees (trustees) conducted the natural resource damage assessment (NRDA) for the DWH oil spill under the Oil Pollution Act 1990 (OPA; 33 U.S.C. §2701 et seq.). Pursuant to OPA, federal and state agencies 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 of restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete.

The DWH trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service (NPS), U.S. Fish and Wildlife Service (USFWS), and Bureau of Land Management (BLM);
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
  
- U.S. Department of Agriculture (USDA);
- U.S. Environmental Protection Agency (EPA);
- State of Louisiana Coastal Protection and Restoration Authority (CPRA), Oil Spill Coordinator's Office (LOSCO), Department of Environmental Quality (LDEQ), Department of Wildlife and Fisheries (LDWF), and Department of Natural Resources (LDNR);
- 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
- State of Texas Parks and Wildlife Department, General Land Office, and Commission on Environmental Quality.

Upon completion of the NRDA, the trustees reached and finalized a settlement of their natural resource damage claims with BP in a consent decree approved by the United States District Court for the Eastern District of Louisiana. Pursuant to that consent decree, restoration projects in Louisiana are now chosen and managed by the Louisiana Trustee Implementation Group (TIG). The Louisiana TIG is composed of the following trustees:

- DOI, as represented by the NPS, USFWS, and BLM;
- NOAA, on behalf of the U.S. Department of Commerce;
- USDA;
- EPA;
- CPRA;
- LDNR;
- LDEQ;
- LOSCO; and
- LDWF.

A Notice of Availability of the Draft Restoration Plan #1: Restoration of Wetlands, Coastal, and Nearshore Habitats; Habitat Projects on Federally Managed Lands; and Birds was published in the Louisiana and Federal Registers on October 20 and November 1, 2016, respectively. The Louisiana TIG provided the public with a period to review and comment on the draft restoration plan 1 from October 20-December 9, 2016, and held one public meeting on November 30, 2016, in Baton Rouge, LA. The Louisiana TIG considered the public comments received, which informed the TIG's analyses and selection of the restoration alternatives in the final restoration plan 1. A summary of the public comments received, and the Louisiana TIG's responses to those comments, are addressed in Chapter 5 of the final restoration plan 1.

#### Overview of the Final Restoration Plan

The final restoration plan 1 is being released in accordance with the Oil Pollution Act (OPA), the natural resources damage assessment (NRDA) regulations found in

the Code of Federal Regulations at 15 C.F.R. 990, the National Environmental Policy Act (42 U.S.C. §4321 et seq.), the consent decree, and final PDARP/PEIS.

The total estimated cost for the proposed engineering and design activities for the six restoration projects selected is \$22,300,000. Details on the engineering and design activities for the restoration projects are provided in the final restoration plan 1.

#### Administrative Record

When they are completed, the documents comprising the administrative record will be available electronically at the following locations:

<http://www.doi.gov/deepwaterhorizon>; or

<http://la-dwh.com/AdminRecord.aspx>.

#### Authority

The authorities for this action are the Oil Pollution Act of 1990 (33 U.S.C. §2701 et seq.), the National Environmental Policy Act (42 U.S.C. §4321 et seq.), the implementing Natural Resource Damage Assessment regulations found at 15 C.F.R. 990, the Louisiana Oil Spill Prevention and Response Act (La. R.S. 30:2451 et seq.), and the implementing natural resource damage assessment regulations found at Louisiana Administrative Code 43:XXXI.101 et seq.

Michael Ellis

Executive Director

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