

Operator	Field	District	Well Name	Well Number	Serial Number
Milagro Exploration, LLC	West Lake Verret	L	JL & S Co	052-D	132880(30)
Milagro Exploration, Llc	West Lake Verret	L	B ra Suf;Burdin St U 6	004	202715(30)
Oriole Oil & Gas Company	Logansport	S	Nash	001	264
Thornton & Brooks, Inc.	Benson	S	Turner	001	78762
Tippet, King & Hanner	Caddo Pine Island	S	P B Bostwick	001	23074(30)

Richard P. Ieyoub  
Commissioner

2109#047

## POTPOURRI

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

#### Notice of Consent Decree—2008 Mississippi River Oil Spill

**Action:** Notice of Availability of a Consent Decree (CD) for Natural Resource Damages—LOSCO NRDA case file # LA2008\_0723\_0230 [Gretna/MS River 2008]. The CD for Natural Resource Damages is available for public review and comment for 30 days.

**Agencies:** Louisiana Oil Spill Coordinator's Office, Department of Public Safety and Corrections (LOSCO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); Louisiana Department of Wildlife and Fisheries (LDWF); Louisiana Coastal Protection and Restoration Authority (CPRA); the United States Department of the Interior, represented by the United States Fish and Wildlife Service (FWS); and the United States Department of Commerce, represented by the National Oceanic and Atmospheric Administration (NOAA); collectively referred to herein as the "Trustees."

**Authorities:** The Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701 et seq., and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA), La. R.S. 30:2451 et seq., are the principal federal and state statutes, respectively, authorizing federal and state agencies and tribal officials to act as natural resource trustees for the recovery of damages for injuries to trust resources and services resulting from oil spill incidents in Louisiana. OPA implementing regulations may be found at 15 C.F.R. Part 990 and OSPRA regulations at LAC 43:XXIX. In accordance with OPA, OSPRA, and the regulations, the Trustees have conducted a Natural Resource Damage Assessment (NRDA) for the July 23, 2008 crude oil discharge into the Mississippi River near New Orleans, Orleans Parish, Louisiana. American Commercial Barge Line LLC (ACL) was identified as the Responsible Party for the Incident.

**Summary of Incident:** On or about July 23, 2008, the M/T Tintomara collided with Barge DM932, owned and operated by ACL, at River Mile Marker 98 on the Mississippi River near New Orleans, Louisiana (herein referred to as the "Incident"). The collision compromised the internal compartment of Barge DM932, causing Barge

DM932 to discharge a significant amount of oil into the Mississippi River. Natural resources within and adjacent to the Mississippi River were injured as a result of the Incident. Spilled oil from the Incident spread more than 100 miles downriver and affected over 5,000 acres of shoreline habitat. Aquatic and shoreline habitats within the batture, including forested wetlands, scrub-shrub habitat, mud flats, and freshwater marsh, were oiled, as were birds, mammals, reptiles, and other wildlife. Public services provided by these natural resources were also injured. The Trustees and ACL worked cooperatively to evaluate and quantify the nature and extent of injuries to natural resources and services, and to determine the need for, type of, and scale of appropriate restoration actions.

On September 20, 2016, the Trustees issued a Notice of Intent in the *Louisiana Register* (Vol. 42, No. 09, pp. 1572-1573) to notify the public that they intended to conduct restoration planning for this Incident. On May 20, 2021, the Trustees issued a Notice of Availability in the *Louisiana Register* (Vol. 47, No. 05, pp. 694-695) to notify the public that their Draft Damage Assessment and Restoration Plan and Environmental Assessment (Draft DARP/EA) was available for public review and comment for 30 days. The Draft DARP/EA identified the natural resources and services that were determined to be injured by the Incident, described the assessment procedures used to quantify injury, outlined the scaling approach and restoration alternative selection process, and presented the Trustees' proposed plan to restore natural resources or services equivalent to those lost as a basis for compensating the public for the injuries to natural resources and services resulting from the Incident. The Trustees considered comments received by the end of the comment period in finalizing the DARP/EA. The Final DARP/EA is available through the Administrative Record (see below) and attached as Appendix A to the CD.

**Purpose:** Pursuant to LAC 43:XXIX, notice is hereby given that a proposed CD between the United States, the State of Louisiana, and ACL is available for public review and comment. ACL and the Trustees propose to expedite restoration for this Incident and to resolve ACL's liability for natural resource damages under Section 1002(a) and (b) of OPA, 33 U.S.C. § 2702(a) and (b), and Section 2480 of OSPRA, La. R.S. 30:2480. By entering into this CD, the mutual objectives of the Parties are for ACL (i) to contribute to the restoration, replacement, or acquisition of the equivalent of natural resources and services allegedly injured, destroyed, or lost as a result of the Incident; (ii) to reimburse natural resource damage assessment and restoration planning costs incurred by the Trustees; and (iii) to resolve its alleged civil liability for natural resource damages under OPA and OSPRA.

The CD is available to the public for a 30-day comment period, which will begin on the date of this public notice announcing availability of the document for public review. The Trustees invite the public to review the CD and submit comments to the address listed below. The Parties will consider comments received during the public comment period on the CD before finalizing the document.

**Public Participation:** Interested members of the public are invited to view the CD at <http://www.losco.state.la.us> (look under Newsflash/current news for 2008 Mississippi River Oil Spill Consent Decree Available for Public

Comment) or by requesting a copy of the document from Charles K. Armbruster at the following address:

Charles K. Armbruster  
Louisiana Oil Spill Coordinator's Office  
Department of Public Safety and Corrections  
P.O. Box 66614  
Baton Rouge, LA 70896  
(225) 925-6606  
losco@la.gov

Public participation is encouraged. Opportunities to participate in the process include public availability of Administrative Record (AR) documents as well as an opportunity for the public to review and comment on draft restoration planning documents. The Trustees have opened an AR pursuant to 15 C.F.R. § 990.45 and LAC 43:XXIX.127 to document the basis for the Trustees' decisions pertaining to injury assessment and selection of restoration alternatives. The AR can be found at

<https://data.losco.org> under "Search Administrative Records". Public participation is consistent with state and federal laws and regulations that apply, including Section 1006 of OPA, 33 U.S.C. § 2706; the OPA regulations, 15 C.F.R. Part 990; Section 2480 of OSPRA, La. R.S. 30:2480; and the OSPRA regulations, LAC 43:XXIX.

**Comment Submittals:** Comments to the CD must be submitted in writing or digitally to Charles K. Armbruster on or before the end of the 30-day comment period.

**For Further Information:** Contact Charles K. Armbruster at (225) 925-6606 or by email at [charles.armbruster@la.gov](mailto:charles.armbruster@la.gov).

Sam Jones  
Oil Spill Coordinator

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