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

LWMIWCB Crude Oil Discharges Notice of Availability of a Draft Restoration Plan

Action: Notice of availability of a Draft Restoration Plan (DRP) with a 30-day public review and comment period for LOSCO NRDA case files: #LA2003_0302_0716 [Lake Washington 2003]; #LA2003_1202_1200 [Mendicant Island 2003]; and #LA2005_0419_1950 [West Champagne Bay 2005], collectively referred to as LWMIWCB.

Agencies: Louisiana Oil Spill Coordinator's Office, Department of Public Safety and Corrections (LOSICO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); Louisiana Department of Wildlife and Fisheries (LDWF); and Louisiana Coastal Protection and Restoration Authority (CPRA).

Authorities: The Oil Pollution Act of 1990 (OPA) (33 USC 2701 et seq.) and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA) (La. Rev. Stat. 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. In accordance with OPA and OSPRA, the agencies listed above (referred to herein as the "Trustees") have conducted a Natural Resource Damage Assessment (NRDA) for the March 2, 2003 crude oil discharge into Lake Washington, Plaquemines Parish, Louisiana and the December 2, 2003 and April 19, 2005 crude oil discharges into Barataria Bay, Jefferson Parish, Louisiana. ExxonMobil Pipeline Company (EMPCo) was identified as the Responsible Party for the three incidents.

Summary: Pursuant to LAC 43:XXIX.Chapter 1, notice is hereby given that a document entitled, "Draft Restoration Plan Lake Washington (2003), Mendicant Island (2003), and West Champagne Bay (2005)" is available for public review and comment. The DRP presents the Trustees' plan to restore, replace, or acquire natural resources or services equivalent to those lost, compensating the public for the injuries to natural resources resulting from the incidents. The DRP identifies and evaluates specific restoration projects that the Trustees considered and identifies the Trustees' preferred restoration alternative (at a restoration project level). The Trustees' preferred restoration alternative is designed to create coastal herbaceous wetlands, including brackish marsh, near Lost Lake, Louisiana. After finalization of the DRP, the Trustees will prepare a Final Restoration Plan (FRP) and make it available to the public.

The DRP 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 documents for public review. The Trustees invite the public to review this document and submit comments to the address listed below. The Trustees

will consider comments received during the public comment period on the DRP before finalizing the document. Public review of the DRP is consistent with all state laws and regulations that apply to the NRDA process, including Section 2480 of OSPRA and the regulations for NRDA under OSPRA, LAC 43:XXIX.Chapter 1.

Interested members of the public are invited to view the DRP via the internet at <http://www.losco.state.la.us> (look under Newsflash/current news for LWMIWCB oil spills NRDA Draft Restoration Plan Available) or by requesting a copy of the documents from Chuck Armbruster at the address provided below:

Charles K. Armbruster
Louisiana Oil Spill Coordinator's Office
Department of Public Safety and Corrections
P.O. Box 66614 Mail Slip B15
Baton Rouge, LA 70896
(225) 925-6606
Charles.Armbruster@la.gov

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

For Further Information: Contact Chuck Armbruster at (225) 925-6606 or by email at charles.armbruster@la.gov.

Supplementary Information: On September 20, 2003, August 20, 2005, and February 20, 2006, the Trustees published Notices of Intent in the *Louisiana Register* (Vol. 29, No. 09, pp. 1952-1953; Vol. 31, No. 08, pp. 2151-2152; and Vol. 32, No. 02, pp. 343-344, respectively) to notify the public that they were going to conduct restoration planning for the three incidents and develop restoration alternatives that would restore, replace, rehabilitate, or acquire the equivalent of natural resources injured and/or natural resource services lost as a result of the incidents. In October 2016, EMPCo agreed to settle their NRDA liability for a cash amount, in lieu of implementing a restoration project. In July 2017, the Trustees released a Draft Settlement Agreement (Draft SA) and Draft Damage Assessment and Preliminary Restoration Plan (Draft DAPRP) to, among other things: 1) identify the preferred restoration alternative (at a restoration type level), which would be implemented by the Trustees, as a basis for the cash settlement; 2) provide an analysis for scaling the injured resources to the preferred restoration alternative; and 3) identify the methodology used for estimating the costs of implementing the preferred restoration alternative. Notice of the Draft SA and Draft DAPRP was published in the *Louisiana Register* on July 20, 2017 (Vol. 43, No. 07, pp. 1487-1488). The Trustees did not receive comments during the public comment period and executed the Final Settlement Agreement in October 2017. The Final Settlement Agreement is also available with the Final DAPRP via the internet at <http://www.losco.state.la.us>.

Marty J. Chabert
Oil Spill Coordinator

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