

Frequently Asked Questions about Scoping for Alabama Recreational Use Planning

General

- *What is the Alabama Trustee Implementation Group?*

The Alabama Trustee Implementation Group (TIG) is the administrative body established under the Trustees' Programmatic Damage Assessment and Restoration Plan to oversee and implement restoration in the Alabama Restoration Area. The Alabama TIG is composed of two state trustees, the Alabama Department of Conservation and Natural Resources and the Geological Survey of Alabama, and four federal trustees—the National Oceanic and Atmospheric Administration, the U.S. Department of the Interior, the U.S. Department of Agriculture, and the U.S. Environmental Protection Agency .

- *What is the purpose of the Notice of Intent?*

This Notice of Intent (NOI) is provided for several purposes. First, it is intended to inform the public that the Alabama TIG intends to conduct restoration planning to evaluate a range of restoration projects to compensate the public for lost recreational use opportunities in Alabama caused by the *Deepwater Horizon* oil spill. The Alabama TIG intends to prepare a restoration plan and an associated Environmental Impact Statement as part of this restoration planning effort. NOAA will serve as the lead federal agency for purposes of preparing the Environmental Impact Statement. Second, the notice is intended to inform the public that the Alabama TIG is conducting scoping and soliciting public involvement to identify issues that the Alabama TIG should consider in the restoration plan and Environmental Impact Statement and on project ideas that should be considered by the Alabama TIG trustees.

- *What is the PDARP?*

The PDARP is the *Deepwater Horizon* Trustees' Programmatic Damage Assessment and Restoration Plan, which was finalized in February 2016. This plan describes the injuries to natural resources and services they provide caused by the *Deepwater Horizon* oil spill. The PDARP also identifies restoration approaches that the Trustees can consider to restore the injured resources and their services back to the conditions they would have been in if the spill had not happened. In March 2016, the Trustees issued a Record of Decision that explains the Trustees' decision to select Alternative A (Comprehensive Integrated Ecosystem Restoration), which the Trustees proposed and evaluated in the PDARP.

- *What are the next steps in the process?*

The Alabama TIG will review and assess (or screen) previously submitted project ideas, as well as those submitted in response to this notice, and those that come to the attention of the TIG through other means. The Alabama TIG may also develop new restoration projects for consideration. Based on these project ideas, we will develop a draft restoration plan and an associated draft Environmental Impact Statement, in which we will evaluate a range of project alternatives that would address lost recreational use in Alabama and the environmental and socioeconomic impacts that are likely to result if a proposed alternative is implemented.

- *What is involved in the screening process under the Oil Pollution Act (OPA)?*

Project screening is an assessment of projects—either submitted to the Alabama TIG via the Trustee Council website or the State Trustee's website or developed by the Alabama TIG trustees—to determine if they are consistent with the Alabama TIG's restoration goals and with the restoration goals for each restoration type established in the PDARP and to determine the extent to which they meet Oil Pollution Act criteria. The screening process helps us choose projects that are suitable to move forward for additional evaluation.

- *What does the OPA project selection process entail?*

Once projects are screened as being suitable for the TIG to consider, each project is evaluated against the Oil Pollution Act evaluation criteria, which include:

- The cost to carry out the alternative;
- The extent to which each alternative is expected to meet the Trustees' goals and objectives in returning the injured natural resources and services to baseline conditions and/or compensating for interim losses;
- The likelihood of success of each alternative;
- The extent to which each alternative will prevent future injury as a result of the incident, and avoid collateral injury as a result of implementing the alternative;
- The extent to which each alternative benefits more than one natural resource and/or service; and
- The effect of each alternative on public health and safety.

This evaluation allows the Alabama TIG to determine the extent to which each project alternative may meet the TIG's restoration goals and the level of benefit each project provides to injured resources relative to cost.

- *What is covered under lost recreational use?*

Lost recreational use includes losses to the public's use of natural resources for outdoor recreation, such as boating, fishing, going to the beach and other activities that depend directly on the environmental quality of the Gulf of Mexico's natural resources and the public's ability to access them.

Alabama Recreational Use Restoration Plan

- *What was the recreational use injury in Alabama?*

In assessing the lost use damages due to the spill, the Trustees measured impacts to two broad categories of recreation: shoreline use and boating (See Chapter 4 of the PDARP). Shoreline use refers to recreational activities at locations near beaches and other shoreline areas. These activities include swimming, sunbathing, surfing, walking, kayaking, and fishing that takes place from the shore or shoreline structures such as piers. Boating includes a variety of recreational boating activities that begin at sites providing access to salt water near the Gulf Coast, including marinas, unimproved launches, and private residences. Boat-based fishing is included in this category. In Alabama, the majority of lost recreational use was determined to be lost shoreline uses, as opposed to lost boating use or lost non-beach fishing use.

- *What kind of projects does the Alabama TIG intend to include in this plan?*

The Alabama TIG is seeking project ideas to compensate for lost recreational use. For example, lost recreational use activities include boating, fishing, and going to the beach. The *Deepwater Horizon* Trustees' goals for this restoration type, as identified in the PDARP, include:

- Increasing recreational opportunities such as fishing, beach-going, camping, and boating with a combination of ecological restoration and creation of infrastructure, access, and use opportunities, and
- Using education and outreach to promote engagement in restoration and stewardship of natural resources, which could include education programs, social media, and print materials.

The Restoration Approaches the Alabama TIG is considering to meet these goals are:

- Enhance public access to natural resources for recreational use
- Enhance recreational experiences
- Promote environmental stewardship, education, and outreach
- Create, restore, and enhance coastal wetlands
- Restore oyster reef habitat
- Create, restore, and enhance barrier and coastal islands and headlands
- Restore and enhance dunes and beaches
- Restore and enhance submerged aquatic vegetation
- Protect and conserve marine, coastal, estuarine, and riparian habitats

- *How much funding is on the table for this planning effort and where is it coming from?*

The total amount of funding being considered is \$83.5 million. This amount includes the approximately \$58.5 million that the Trustees would have used to partially fund the rebuilding of the Gulf State Park Lodge and Conference Center as part of the Gulf State Park Enhancement Project as approved in Phase III of the early restoration process. Pursuant to a court order in *Gulf Restoration Network v. Jewell*, Case 1:15-cv-00191-CB-C (S.D. Ala.), the Trustees are enjoined from spending the \$58.5 million on the development or construction of the Gulf State Park Lodge and Conference Center until such time as the Trustees comply with the alternatives analysis requirements of the Oil Pollution Act and the National Environmental Policy Act. The total amount of funding being considered also includes \$25 million that was allocated to the Alabama TIG for lost recreational use restoration pursuant to the *Deepwater Horizon* Trustees' Consent Decree with BP. The Alabama TIG may choose projects that use either all or a portion of this approximately \$83.5 million.

- *What will the draft restoration plan and draft Environmental Impact Statement include?*

The document being prepared will be a draft restoration plan as required under the Oil Pollution Act and an environmental impact statement to satisfy the National Environmental Policy Act. The draft restoration plan will include a summary of the injuries addressed by the proposed restoration alternatives, a description of the screening process used to develop project alternatives, descriptions of the project alternatives, and an evaluation of these alternatives against Oil Pollution Act evaluation criteria. The draft Environmental Impact Statement will include a description of the affected environment and provide an analysis of environmental and socioeconomic

impacts of the alternatives, as well as an analysis of the impacts if no action was taken to restore these resources.

- *What are future opportunities for public engagement and input on this plan?*

The Alabama TIG has published a notice of our intent to develop a draft restoration plan and draft Environmental Impact Statement (EIS) following the NOI scoping period and to solicit project ideas related to lost recreational use. After the draft restoration plan and draft EIS are prepared, the Alabama TIG will solicit public comment on the draft restoration plan and draft EIS. The Alabama TIG intends to hold a public meeting as part of this public comment process.

- *Will there be a public meeting?*

The Alabama TIG does not intend to hold a public meeting during the scoping period; however, we will hold a public meeting during the public comment period on the draft restoration plan and Environmental Impact Statement. We expect to publish a draft document in late 2016.

- *How can I submit a project idea or other comment during scoping?*

New projects ideas or updates to previously submitted projects can be submitted on the Trustee Council website (www.gulfspillrestoration.noaa.gov) or the Alabama Coastal Restoration website (www.alabamacoastalrestoration.org) at any time. Comments regarding scoping can be submitted through the [Trustee Council Website](#). The deadline for scoping comments is August 5, 2016.

- *What is the timing to make a final decision?*

Scoping is an early stage in the restoration planning and environmental review process, and we are currently seeking input on lost recreational use restoration project ideas. Restoration project ideas must be received by the Alabama TIG on or before August 5, 2016, to be considered in this draft restoration plan and Environmental Impact Statement (EIS). Restoration project ideas submitted after August 5, 2016, may be considered in future planning. The Alabama TIG Trustees will work on a draft restoration plan and EIS during fall 2016, with the expectation of releasing the document for public review and comment in late 2016. We will consider all comments received during the public comment period and finalize the document. The Alabama TIG Trustees intend to release the final restoration plan and EIS followed by a record of decision in early 2017.

Gulf State Park Project

- *How does this restoration plan relate to the Gulf State Park Enhancement Project?*

One of the restoration alternatives that will likely be evaluated in the restoration plan is the allocation of recreational use funds toward the construction of a lodge in Gulf State

Park. The allocation of funds toward construction of a lodge at Gulf State Park was originally considered and selected as part of the Gulf State Park Enhancement Project, which was approved in Phase III of the early restoration process. The Gulf State Park Enhancement Project was the subject of the lawsuit *Gulf Restoration Network v. Jewell*, Case 1:15-cv-00191-CB-C (S.D. Ala.). See next section for further information on the lawsuit.

- *What additional restoration is being considered beyond this phase in restoration planning?*

The Alabama TIG is evaluating new and existing project ideas as potential restoration projects. While scoping is currently open for this first phase in Alabama TIG restoration planning, which focuses on lost recreational use, funding has been allocated through the *Deepwater Horizon* Consent Decree over the course of the next 15 years. Under the Consent Decree, the Alabama TIG has been allocated funds to compensate for injuries associated with a number of restoration types, including wetlands, coastal, and nearshore habitats, habitat projects on federally managed lands, nutrient reduction, sea turtles, marine mammals, birds, and oysters. Restoration project ideas to address any of these restoration types can be submitted during or following this scoping period at <http://www.gulfspillrestoration.noaa.gov/restoration/> or at www.alabamacoastalrestoration.org. We will continue to review project submissions and address other restoration types in future restoration plans.

- *In a recent story posted on the Alabama Governor Bentley's web page, the Governor stated that the Gulf State Park lodge will be complete by 2018. Does this mean that NRDA funding for the lodge will be selected based on this Recreational Use Restoration Plan and Environmental Impact Statement? If not, how will construction of the lodge be funded?*

Scoping is an early stage in the restoration planning and environmental review process. The AL TIG is currently seeking input on restoration project ideas and one of the restoration alternatives that will likely be evaluated in the restoration plan is the allocation of recreational use funds toward the construction of a lodge in Gulf State Park. The Alabama TIG cannot provide any additional information on the potential funding sources for the lodge, or on the projected schedule for the lodge's completion, except to say that it is one of the restoration alternatives that will likely be evaluated in the restoration plan. Restoration project ideas must be received on or before August 5, 2016, to be considered in this planning process. The Alabama TIG will be working on a draft restoration plan and Environmental Impact Statement (EIS) during fall 2016, with the expectation of releasing the draft document in late 2016. The TIG intends to have the final restoration plan and EIS complete and a Record of Decision released in early 2017. If the lodge alternative is not selected during this planning process, NRDA funds will not be allocated for use in the construction of the lodge.

Lawsuit

- *What was the lawsuit referenced in the notice?*

The Gulf State Park Enhancement Project, which was selected in Phase III of the *Deepwater Horizon* early restoration process, included the allocation of recreational use funds toward the construction of a lodge in Gulf State Park. The *Gulf Restoration Network v. Jewell*, Case 1:15-cv-00191-CB-C (S.D. Ala.) lawsuit was a challenge under the National Environmental Policy Act and the Oil Pollution Act to that portion of the Gulf State Park Enhancement Project that allocated funds for the construction of a lodge in Gulf State Park.

- *What was the outcome of the lawsuit mentioned in the notice?*

As discussed in the Notice of Intent, the court in *Gulf Restoration Network v. Jewell*, Case 1:15-cv-00191-CB-C (S.D. Ala.) enjoined (or prohibited) the Trustees' use of the portion of the recreational use funds allocated in the Gulf State Park Enhancement Project that were allocated for use in the construction of a lodge in Gulf State Park (approximately \$58.5 million). The court required additional analysis under the National Environmental Policy Act and the Oil Pollution Act before NRDA funds might be expended on a lodge or conference center in Gulf State Park.

How is this restoration planning activity responsive to the lawsuit?

This recreational use restoration plan and Environmental Impact Statement (EIS) will evaluate restoration projects intended to compensate the public for lost recreational use opportunities in Alabama caused by the *Deepwater Horizon* oil spill. This restoration plan and EIS will look broadly at restoration projects intended to compensate the public for lost recreational use opportunities in Alabama. As a result, the Alabama TIG may develop restoration projects to compensate for some or all of the full remaining funds allocated for Alabama's recreational use injury (approximately \$83.5 million), including the portion of recreational use funds (approximately \$58.5 million) enjoined by the court in *Gulf Restoration Network v. Jewell*, Case 1:15-cv-00191-CB-C (S.D. Ala.). One of the restoration alternatives that will likely be evaluated in the restoration plan is the allocation of recreational use funds toward the construction of a lodge in Gulf State Park, which would constitute the additional analyses the court required.