

Executive Summary

On April 20, 2010, the Deepwater Horizon (DWH) mobile drilling unit exploded, caught fire, and eventually sank in the Gulf of Mexico, resulting in a massive release of oil and other substances from British Petroleum's (BP) Macondo well and causing loss of life and extensive natural resource injuries. Initial efforts to cap the well following the explosion were unsuccessful, and for 87 days after the explosion, the well continuously and uncontrollably discharged oil and natural gas into the northern Gulf of Mexico. Approximately 3.19 million barrels (134 million gallons) of oil were released into the ocean (U.S. v. BP et al., 2015). Oil spread from the deep ocean to the surface and nearshore environment from Texas to Florida. The oil came into contact with and injured natural resources as diverse as deep-sea coral, fish and shellfish, productive wetland habitats, sandy beaches, birds, endangered sea turtles, and protected marine life. The oil spill prevented people from fishing, going to the beach, and enjoying typical recreational activities along the Gulf of Mexico. Extensive response actions, including cleanup activities and actions to try to prevent the oil from reaching sensitive resources, were undertaken to try to reduce harm to people and the environment. However, many of these response actions had collateral impacts on the environment and on natural resource services. The oil and other substances released from the well in combination with the extensive response actions together make up the DWH Oil Spill.

As an oil pollution incident, the DWH Oil Spill is subject to the provisions of the Oil Pollution Act (OPA) of 1990, which addresses preventing, responding to, and paying for oil pollution incidents in navigable waters, adjoining shorelines, and the exclusive economic zone of the United States.

Under the authority of OPA, a council of federal and state "Trustees" was established on behalf of the public to assess natural resource injuries resulting from the incident and work to make the environment and public whole for those injuries. As required under OPA, the Trustees conducted a natural resource damage assessment (NRDA) and prepared the Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (Final PDARP/PEIS).

The primary goal of OPA is to make the environment and public whole for injuries to natural resources and services resulting from an incident involving an oil discharge (or substantial threat of an oil discharge). Under OPA regulations, the natural resource injuries for which responsible parties are liable include injuries resulting from the oil discharge and those resulting from response actions or substantial threat of a discharge. OPA specifies that Trustees responsible for representing the public's interest (in this case, state and federal agencies) must be designated to act on behalf of the public to assess the injuries and to address those injuries. The DWH Oil Spill Trustees (the DWH Trustees) for the affected natural resources conducted a NRDA to:

- Assess the impacts of the DWH Oil Spill on natural resources in the Gulf of Mexico and the services those resources provide.

- Determine the type and amount of restoration needed to compensate the public for these impacts.

Following the assessment, the DWH Trustees determined that the injuries caused by the DWH Oil Spill could not be fully described at the level of a single species, a single habitat type, or a single region. Rather, the injuries affected such a wide array of linked resources over such an enormous area that the effects of the DWH Oil Spill must be described as constituting an ecosystem-level injury. Consequently, the DWH Trustees' preferred alternative for restoration planning employs a comprehensive, integrated ecosystem approach to best address these ecosystem-level injuries.

Given the broad ecological scope of the injuries, restoration planning requires a broad ecosystem perspective to restore the vast array of resources and services injured by the DWH Oil Spill. Thus, the DWH Trustees proposed a comprehensive, integrated ecosystem restoration plan with a portfolio of Restoration Types that addresses the diverse suite of injuries that occurred at both regional and local scales. The DWH Trustees identified the need for a comprehensive restoration plan at a programmatic level to guide and direct the massive restoration effort, based on the following five overarching goals:

- Restore and conserve habitat.
- Restore water quality.
- Replenish and protect living coastal and marine resources.
- Provide and enhance recreational opportunities.
- Provide for monitoring, adaptive management, and administrative oversight to support restoration implementation.

These five goals work both independently and together to restore injured resources and services.

Draft Restoration Plan and Environmental Assessment

This document, the "Louisiana Trustee Implementation Group Draft Restoration Plan/ Environmental Assessment #2: Provide and Enhance Recreational Opportunities" (RP/EA), was prepared by the Louisiana Trustee Implementation Group (LA TIG) pursuant to OPA and is consistent with the DWH Trustees' findings in the Final PDARP/PEIS. The Louisiana TIG includes five Louisiana state trustee agencies and four federal trustee agencies: the Louisiana Coastal Protection and Restoration Authority (CPRA); the Louisiana Department of Natural Resources (LDNR); the Louisiana Department of Environmental Quality (LDEQ); the Louisiana Oil Spill Coordinator's Office (LOSCO); the Louisiana Department of Wildlife and Fisheries (LDWF); the United States Department of Commerce, represented by the National Oceanic and Atmospheric Administration (NOAA); the United States Department of the Interior (USDOI), represented by the United States Fish and Wildlife Service (USFWS) and National Park Service (NPS); the United States Department of Agriculture (USDA); and the United States Environmental Protection Agency (EPA).

In accordance with 40 C.F.R. § 1508.12, the Louisiana TIG designated EPA as the lead federal agency responsible for National Environmental Policy Act (NEPA) compliance for this RP/EA. The federal and state agencies of the Louisiana TIG are acting as cooperating agencies for the

purposes of compliance with NEPA in the development of this RP/EA. Each federal cooperating agency on the Louisiana TIG intends to adopt, if appropriate, the NEPA analyses in this RP/EA. In accordance with 40 CFR §1506.3(a), each of the three federal cooperating agencies (DOI, NOAA, and USDA) participating on the Louisiana TIG will review the RP/EA for adequacy in meeting the standards set forth in its own NEPA implementing procedures and make a decision whether to adopt the analysis in the RP/EA. Adoption of the EA would be completed via signature on the relevant NEPA decision document.

The Federal Trustees of the LA TIG have evaluated the environmental consequences of the proposed alternatives and the preliminary findings indicate that no significant environmental impacts are anticipated within the context of NEPA. The LA TIG has prepared this RP/EA to inform the public about DWH NRDA restoration planning efforts and to seek public comment on the four proposed alternatives and the preliminary Finding of No Significant Impacts (FONSI).

In identifying the suite of alternatives considered in this RP/EA, the LA TIG took into account the OPA screening criteria, the Restoration Goals in the Final PDARP/PEIS, other criteria identified by the DWH Trustees, input from the public, and the current and future availability of funds under the DWH Oil Spill NRDA settlement payment schedule.

Under the Consent Decree discussed in Section 1.1 of this RP/EA, the LA TIG has an allocation of \$5 billion for restoration activities in the Louisiana Restoration Area, which includes Early Restoration projects approved prior to the settlement in 2016. Because of the significant injury to recreational use services as a result of the DWH oil spill, \$60 million of these total funds are dedicated to the “Provide and Enhance Recreational Opportunities” Restoration Type in Louisiana. The 2014 Programmatic and Phase III Early Restoration Plan and Early Restoration Programmatic Environmental Impact Statement (Phase III ERP/PEIS) originally allocated \$22 million towards the Louisiana Marine Fisheries Enhancement, Research, and Science Center (LMFERSC). The LMFERSC project included two hatchery and outreach facilities (Calcasieu Parish and Plaquemines Parish) with the primary location near Lake Charles also featuring a visitor center and youth fishing pond. However, site issues arose during planning and development which precluded the LA TIG from moving forward with the LMFERSC project. This plan considers re-allocating this \$22 million in early restoration funds towards other proposed alternative projects that would restore for lost recreational use in Louisiana, with a specific focus on enhancing recreational fishing opportunities.

This RP/EA seeks to provide restoration for lost recreational use within Louisiana by evaluating alternatives that could compensate for a part of Louisiana's recreational fishing use injury. Louisiana Trustees have identified lost recreational fishing opportunities as the most significantly impacted recreational use in the state. As such, Louisiana's approach to restoring for lost recreational use in this RP/EA emphasizes the creation and enhancement of recreational fishing infrastructure, enhanced recreational fishing access or opportunity, and educational and outreach components that promote utilization of the natural resources and encourage conservation and stewardship for them, consistent with the injuries caused by the DWH Oil Spill and fisheries-based objectives embodied in the original LMFERSC project.

The LA TIG proposes moving forward with the following proposed alternatives for recreational use within the “Provide and Enhance Recreational Opportunities” Restoration Type:

- Elmer's Island Access – \$6,000,000
- Statewide Artificial Reefs - \$6,000,000
- Lake Charles Science Center and Educational Complex - \$7,000,000
- Island Road Piers - \$3,000,000

The total funding proposed in this RP/EA is \$22,000,000.