



**Billing Code 4333–15**

**DEPARTMENT OF THE INTERIOR**

**[FWS–R4–ES–2020–N014; FVHC98220410150–XXX–FF04H00000]**

***Deepwater Horizon Oil Spill Final Restoration Plan #1.3 and Environmental Assessment: Rabbit Island Restoration and Shoreline Protection at Jean Lafitte Historical National Park and Preserve and Finding of No Significant Impact; Louisiana Trustee Implementation Group***

**AGENCY:** Department of the Interior.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act of 1969 (NEPA), the Final Programmatic Damage Assessment Restoration Plan and Final Programmatic Environmental Impact Statement (Final PDARP/PEIS), and the Consent Decree, the Federal and State natural resource trustee agencies for the Louisiana Trustee Implementation Group (LA TIG) have prepared the *Louisiana Trustee Implementation Group Final Phase 2 Restoration Plan/Environmental Assessment #1.3: Rabbit Island Restoration and Shoreline Protection at Jean Lafitte Historical National Park and Preserve* (Phase 2 RP/EA #1.3) and *Finding of No Significant Impact* (FONSI), approving construction activities for the restoration of habitats on federally managed lands and birds injured in the Louisiana Restoration Area as a result of the *Deepwater Horizon* (DWH) oil spill. The Phase 2 RP/EA #1.3 analyzes restoration project design alternatives for two projects, which were approved for engineering and design (E&D) in a previous restoration plan. In the final Phase 2 RP/EA #1.3, the LA TIG selected and approved a design alternative for construction of each, at a

total approximate cost of \$36,048,500. The purpose of this notice is to inform the public of the availability of the final Phase 2 RP/EA #1.3 and FONSI.

**ADDRESSES: *Obtaining Documents:*** You may download the Phase 2 RP/EA #1.3 from either of the following websites:

- <https://www.doi.gov/deepwaterhorizon>
- <https://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>

Alternatively, you may request a CD of the Phase 2 RP/EA #1.3 (see **FOR FURTHER INFORMATION CONTACT**). A hard copy of the Phase 2 RP/EA #1.3 is also available for public review at the locations listed in the following table.

<b>Library</b>	<b>Address</b>	<b>City</b>	<b>Zip</b>
St. Tammany Parish Library	310 W. 21st Avenue	Covington	70433
Terrebonne Parish Library	151 Library Drive	Houma	70360
New Orleans Public Library, Louisiana Division	219 Loyola Avenue	New Orleans	70112
East Baton Rouge Parish Library	7711 Goodwood Boulevard	Baton Rouge	70806
Jefferson Parish Library, East Bank Regional Library	4747 W. Napoleon Avenue	Metairie	70001
Jefferson Parish Library, West Bank Regional Library	2751 Manhattan Boulevard	Harvey	70058
Plaquemines Parish Library	8442 Highway 23	Belle Chasse	70037
St. Bernard Parish Library	1125 E. St. Bernard Highway	Chalmette	70043
St. Martin Parish Library	201 Porter Street	St. Martinville	70582
Alex P. Allain Library	206 Iberia Street	Franklin	70538
Vermilion Parish Library	405 E. St. Victor Street	Abbeville	70510
Martha Sowell Utley Memorial Library	314 St. Mary Street	Thibodaux	70301
South Lafourche Public Library	16241 E. Main Street	Cut Off	70345
Calcasieu Parish Public Library Central Branch	301 W. Claude Street	Lake Charles	70605

Iberia Parish Library	445 E. Main Street	New Iberia	70560
Mark Shirley, LSU AgCenter	1105 West Port Street	Abbeville	70510

**FOR FURTHER INFORMATION CONTACT:** Nanciann Regalado, via email at nanciann\_regalado@fws.gov, via telephone at 678–296–6805, or via the Federal Relay Service at 800–877–8339.

**SUPPLEMENTARY INFORMATION:**

**Introduction**

On 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 offshore 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 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. The 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 to baseline (the resource quality and conditions that would exist if the spill had not occurred). This includes the loss of use and services provided by those resources from the time of injury until the completion of restoration.

The DWH Trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- 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, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- 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: Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

On April 4, 2016, the United States District Court for the Eastern District of

Louisiana entered a Consent Decree resolving civil claims by the Trustees against BP arising from the DWH oil spill: *United States v. BPXP et al.*, Civ. No. 10-4536, centralized in MDL 2179, In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010 (E.D. La.) (<http://www.justice.gov/enrd/deepwater-horizon>). Pursuant to the Consent Decree, restoration projects in the Louisiana Restoration Area are chosen and managed by the LA TIG. The LA TIG is composed of the following Trustees: State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator’s Office, Departments of Environmental Quality, Wildlife and Fisheries, and Natural Resources; DOI; NOAA; EPA; and USDA.

## **Background**

The Final PDARP/PEIS provides for TIGs to propose phasing restoration projects across multiple restoration plans. A TIG may propose in a draft restoration plan conceptual projects to fund for an information-gathering planning phase, such as E&D (phase 1). This allows TIGs to develop information needed to fully consider a subsequent implementation phase in a later restoration plan (phase 2). In the final Phase 1 RP #1, the LA TIG selected six conceptual projects for E&D, using funds from the wetlands, coastal and nearshore habitats; birds; and habitat projects on federally managed lands restoration types, as provided for in the DWH Consent Decree. Two of those projects that were selected for E&D in the final Phase I RP #1 are the Rabbit Island Restoration project (Rabbit Island project), under the birds restoration type, and the Shoreline Protection at Jean Lafitte Historical National Park and Preserve (Jean Lafitte project) under the habitat projects on federally managed lands restoration type. When E&D for those projects reached a stage where enough information was available to conduct OPA and NEPA

analyses on the alternatives, a Phase 2 plan was drafted. Notice of availability of the draft Phase 2 RP/EA #1.3 was published in the Federal Register on November 13, 2019 (84 FR 61636). Public comment was encouraged and accepted until December 20, 2019. The LA TIG hosted a public webinar on December 2, 2019, to facilitate public review and comment. The LA TIG considered the public comments received and finalized the Phase 2 RP/EA #1.3. A summary of the public comments received and the LA TIG's responses to those comments are presented in Section 7 of the final Phase 2 RP/EA #1.3.

### **Overview of the LA TIG Draft Phase 2 RP/EA #1.3**

The final Phase 2 RP/EA #1.3 is being released in accordance with OPA NRDA regulations found in the Code of Federal Regulations (CFR) at 15 CFR part 990, NEPA and its implementing regulations found at 40 CFR parts 1500–1508, the Final PDARP/PEIS, and the Consent Decree. The Phase 2 RP/EA #1.3 provides OPA and NEPA analyses for a reasonable range of design alternatives for the Rabbit Island Restoration and Jean Lafitte Shoreline Restoration projects, and identifies the LA TIG's preferred design alternatives, those which the LA TIG believes best meet the objectives of the two projects. In accordance with NEPA, as part of the final Phase 2 RP/EA #1.3, the Trustees issued a FONSI. The FONSI is available in Appendix E of the Phase 2 RP/EA #1.3.

The Rabbit Island Restoration project meets the goal of restoring and conserving birds by restoring 87.8 acres of the island's original 200-acre footprint for bird habitat. This would be done by raising the elevation of Rabbit Island using dredged fill material from the Calcasieu Ship Channel as the borrow source area. Total cost for this project is approximately \$15,600,000.

The Jean Lafitte Shoreline Protection project implements a nearly continuous rock breakwater, with rock elbows protecting fish gaps along the eastern shorelines of Lake Cataouche, Lake Salvador, and Bayou Bardeaux in the Jean Lafitte National Historical Park and Preserve. Implementation is proposed in two increments, the northern and the southern portions of the project area. In the final Phase 2 RP/EA #1.3, the LA TIG approves to fund only the southern portion of the project at this time. The northern portion may be funded at a later date. Total cost for this project is approximately \$20,448,500.

### **Administrative Record**

The documents comprising the Administrative Record for the Phase 2 RP/EA #1.3 can be viewed electronically at <https://www.doi.gov/deepwaterhorizon/adminrecord>.

### **Authority**

The authority for this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), its implementing Natural Resource Damage Assessment regulations found at 15 CFR part 990, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and its implementing regulations found at 40 CFR parts 1500–1508.

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Department of the Interior  
Director of Gulf of Mexico Restoration.  
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