



## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RTID 0648-XA868**

#### **Notice of Availability of the Deepwater Horizon Oil Spill Regionwide Trustee Implementation Group Draft Restoration Plan #1/Environmental Assessment: Birds, Marine Mammals, Oysters, and Sea Turtles**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act (NEPA), and a Consent Decree with BP Exploration & Production Inc. (BP),<sup>1</sup> the *Deepwater Horizon* (DWH) Federal natural resource trustee agencies for the Regionwide Trustee Implementation Group (Regionwide TIG) have prepared a Draft Restoration Plan #1/Environmental Assessment: Birds, Marine Mammals, Oysters, and Sea Turtles (Draft RP/EA). The Draft RP/EA describes and proposes restoration project alternatives considered by the Regionwide TIG to partially restore natural resources and ecological services injured or lost as a result of the DWH oil spill. The Regionwide TIG evaluated these alternatives under criteria set forth in the OPA natural resource damage assessment (NRDA) regulations. In accordance with NEPA the environmental consequences of the restoration alternatives are evaluated in the integrated Environmental Assessment to which the Regionwide TIG Federal Trustees are

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<sup>1</sup> Consent Decree among Defendant BP Exploration & Production Inc. (“BPXP”), the United States of America, and the States of Alabama, Florida, Louisiana, Mississippi, and Texas entered in *In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010*, MDL No. 2179 in the United States District Court for the Eastern District of Louisiana.

cooperating agencies. The purpose of this notice is to inform the public of the availability of the Draft RP/EA and to seek public comments on the document.

**DATES:** The Regionwide TIG will consider public comments received on or before *[insert date 45 days after date of publication in the Federal Register]*.

*Virtual Public Meetings:* Due to continuing Covid-19 limitations on gatherings of groups, the Regionwide TIG will hold two virtual open house and public meetings to facilitate public review and comment on the Draft RP/EA.

1. April 15, 2021, 2 p.m. CDT
2. April 15, 2021, 6 p.m. CDT

Members of the public can access the open house and webinars at:

*<https://regionwidetig.eventbrite.com/>*. After registering, participants will receive a confirmation email with instructions for joining the open house and webinar.

**ADDRESSES:** *Obtaining Documents:* You may access the Draft RP/EA from the “News” section of the Regionwide TIG website at:

*<http://www.gulfspillrestoration.noaa.gov/restoration-areas/regionwide>*.

*Submitting Comments:* You may submit comments on the Draft RP/EA by one of the following methods:

- *Via the Web:* *<https://parkplanning.nps.gov/RWTIGRP1>*.
- *Via U.S. Mail:* U.S. Fish and Wildlife Service, P.O. Box 29649, Atlanta, GA 30345. Please note that mailed comments must be postmarked on or before the comment deadline of 45 days following publication of this notice to be considered.
- *During the virtual public meetings:* Comments may be provided during the webinar. Webinar information is provided below in **SUPPLEMENTARY INFORMATION**.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**FOR FURTHER INFORMATION CONTACT:** National Oceanic and Atmospheric Administration – Jamie Schubert, NOAA Restoration Center, (310) 427-8711, *regionwide.tig@noaa.gov*.

**SUPPLEMENTARY INFORMATION:**

**Introduction**

On April 20, 2010, the Deepwater Horizon (DWH) mobile drilling unit exploded, causing a massive release of oil from the BP Exploration and Production Inc. (BP) Macondo well. The explosion and oil spill led to loss of life and extensive natural resource injuries. Oil spread from the deep ocean to surface and nearshore environments across the Gulf of Mexico, from Texas to Florida. Extensive response actions were undertaken 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 DWH Federal and State natural resource trustees (DWH Trustees) conducted the natural resource damage assessment for the DWH oil spill under 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. 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, including the loss of use and services from those resources from the time of injury until the time of restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete.

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 (CPRA), 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.

The DWH Trustees reached and finalized a settlement of their natural resource damage claims with BP in an April 4, 2016, Consent Decree approved by the United States District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in the Regionwide Restoration Area are selected and implemented by the Regionwide TIG. The Regionwide TIG is composed of the Federal and State Trustees listed above.

## **Background**

On September 24, 2019, the Regionwide TIG posted a public notice at <http://www.gulfspillrestoration.noaa.gov> requesting new or revised natural resource restoration project ideas for the Regionwide Restoration Area. The notice stated that the Regionwide TIG was seeking project ideas for the following Restoration Types: (1) Birds, (2) Marine Mammals, (3) Oysters; and (4) Sea Turtles. On July 1, 2020 the Regionwide TIG announced that it had initiated drafting of its first post settlement draft restoration plan including restoration projects for Birds, Marine Mammals, Oysters and Sea Turtles.

## **Overview of the Regionwide TIG Draft RP/EA**

The Draft RP/EA is being released in accordance with OPA NRDA regulations in the Code of Federal Regulations (CFR) at 15 CFR part 990, NEPA (42 U.S.C. 4321 *et seq.*), the Consent Decree, and the Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement. In the Draft RP/EA, the Regionwide TIG analyzes 15 alternatives and proposes eleven preferred alternatives for: Birds, Marine Mammals, Oysters, and Sea Turtles restoration types. The alternatives analyzed include the following:

### *Birds*

- Alternative 1: Reducing Marine Debris Impacts on Birds and Sea Turtles (joint project with Sea Turtles Restoration Type) – Preferred, \$3,520,000.
- Alternative 2: Conservation and Enhancement of Nesting and Foraging Habitat for Birds – Preferred, \$22,500,000.
  - Component 1: Chandeleur Islands, LA, \$8,000,000.
  - Component 2: Pilot Town/Little Dauphin Island, AL, \$6,500,000.
  - Component 3: San Antonio Bay Bird Island, TX \$2,500,000.

- Component 4: Matagorda Bay Bird Island (Chester Island), TX, \$2,500,000.
- Component 5: Round Island, MS, \$3,000,000.
- Alternative 3: Bird Nesting and Foraging Area Stewardship – Preferred, \$8,510,750.
- Alternative 4: Stewardship and Habitat Creation through Beneficial Use – Non-preferred, \$6,500,000.
  - Component 1: Walker Island, AL, \$4,000,000.
  - Component 2: Matagorda Bay Bird Island (Chester Island), TX, \$2,500,000.

#### *Marine Mammals*

- Alternative 1: Voluntary Modifications to Commercial Shrimp Lazy Lines to Reduce Dolphin Entanglements – Preferred, \$3,179,088.
- Alternative 2: Reducing Impacts to Dolphins from Hook-and-Line Gear and Provisioning through Fishery Surveys, Social Science, and Collaboration – Preferred, \$1,700,000.
- Alternative 3: Enhance Marine Mammal Stranding Network Diagnostic Capabilities and Consistency across the Gulf of Mexico – Preferred, \$2,300,000.
- Alternative 4: Enhance Capacity, Diagnostic Capability, and Consistency of the Marine Mammal Stranding Network in the Gulf of Mexico – Non-preferred, \$7,887,000.

#### *Oysters*

- Alternative 1: Improving Resilience for Oysters by Linking Brood Reefs and Sink Reefs (Large-scale) – Preferred, \$35,819,974 (component cost breakdown is not yet defined).

- Component 1: East Galveston Bay, TX.
- Component 2: Biloxi Marsh, LA.
- Component 3: Heron Bay, MS.
- Component 4: Mid-lower Mobile Bay, AL.
- Component 5: Suwanee Sound, FL.
- Alternative 2: Improving Resilience for Oysters by Linking Brood Reefs and Sink Reefs (Small-scale), Non-preferred, \$22,300,000 (component cost breakdown is not yet defined).
  - Component 1: East Galveston Bay, TX.
  - Component 2: Biloxi Marsh, LA.
  - Component 3: Heron Bay, MS.
  - Component 4: Mid-lower Mobile Bay, AL.
  - Component 5: Suwanee Sound, FL.

### *Sea Turtles*

- Alternative 1: Pilot Implementation of Automatic Identification System in the GOM Inshore Shrimp Fishery to Inform Efforts to Reduce Sea Turtle Bycatch – Preferred, \$2,231,124.
- Alternative 2: Restore and Enhance Sea Turtle Nest Productivity – Preferred, \$7,655,000.
- Alternative 3: Guiding Restoration Success for Nesting Females and Hatchlings in the Northern Gulf of Mexico – Non-preferred, \$4,446,000.
- Alternative 4: Reducing Sea Turtle Bycatch at Recreational Fishing Sites, Preferred, \$3,649,360.
- Alternative 5: Reducing Marine Debris Impacts on Birds and Sea Turtles (joint project with Birds Restoration Types) – Preferred, \$3,520,000.

- Alternative 6: Regionwide Enhancements to the Sea Turtle Stranding and Salvage Network and Enhanced Rehabilitation – Preferred, \$5,050,000.
  - Component 1: Enhancing Response, Coordination, and Preparedness in the Gulf of Mexico, \$2,050,000.
  - Component 2: Texas Rehabilitation Facility, \$3,000,000.

The Regionwide TIG also analyzes a No Action alternative. One or more alternatives may be selected for implementation by the Regionwide TIG in the Final RP/EA or in future restoration plans.

The Regionwide TIG has examined the injuries assessed by the DWH Trustees and evaluated restoration alternatives to address the injuries. In the Draft RP/EA, the Regionwide TIG presents to the public its draft plan for providing partial compensation to the public for injured natural resources and ecological services in the Regionwide Restoration Area. The proposed alternatives are intended to continue the process of using DWH restoration funding to restore natural resources injured or lost as a result of the Deepwater Horizon oil spill. The total estimated cost of the projects proposed as preferred is approximately \$99.6 million. Additional restoration planning for the Regionwide Restoration Area will continue.

### **Next Steps**

The public is encouraged to review and comment on the Draft RP/EA. Virtual public meetings are scheduled to facilitate the public review and comment process. Each virtual meeting will include an informal open house period to accommodate general questions from the public in topic areas followed by a formal presentation of the Draft RP/EA. Following the presentation, public comment will be taken through the virtual meeting platform.



Presentation slides, project fact sheets, and a recording of the webinar will be posted on the Regionwide TIG website. The public may register for the virtual public meetings at the link below.

After the public comment period ends, the Regionwide TIG will consider and address the comments received before issuing a Final RP/EA. A summary of comments received and the Regionwide TIG's responses and any revisions to the document, as appropriate, will be included in the final document.

**Additional Access to Materials**

You may request a CD of the Draft RP/EA (see **FOR FURTHER INFORMATION CONTACT** above). Copies of the Draft RP/EA are also available for review during the public comment period at the following locations:

<b>Repository</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
Dauphin Island Sea Laboratory, Admin Building	101 Bienville Blvd.	Dauphin Island	AL	36528
Thomas B. Norton Public Library	221 W. 19th Ave.	Gulf Shores	AL	36542
Alabama Department of Conservation and Natural Resources, State Lands Division, Coastal Section Office	31115 Five Rivers Blvd.	Spanish Fort	AL	36527
Weeks Bay National Estuarine Research Reserve	11300 U.S. Hwy. 98	Fairhope	AL	36532
Mobile Public Library, West Regional Library	5555 Grelot Rd.	Mobile	AL	36606
Franklin County Public Library	160 Hickory Dip	Eastpoint	FL	32328
Okaloosa County Library	185 Miracle Strip Pkwy. SE	Ft. Walton	FL	32548
Panama City Beach Public Library	125000 Hutchison Blvd.	Panama City Beach	FL	32407
Southwest Branch Library	12248 Gulf Beach Hwy.	Pensacola	FL	32507
Wakulla County Library	4330 Crawfordville Hwy.	Crawfordville	FL	32327
Walton County Library, Coastal Branch	437 Greenway Trail	Santa Rosa Beach	FL	32459
Santa Rosa County Clerk of Court, County Courthouse	6865 Caroline St.	Milton	FL	32570
Bay County Public Library	898 W. 11th St.	Panama City	FL	32401
Gulf County Public Library	110 Library Dr.	Port St. Joe	FL	32456

<b>Repository</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
Jefferson R.J. Bailar Public Library	375 S Water St.	Monticello	FL	32344
Taylor County Public Library	403 N. Washington St.	Perry	FL	32347
Dixie County Public Library	16328 SE U.S. Hwy. 19	Cross City	FL	32628
Levy County Public Library	7871 NE 90th St.	Bronson	FL	32621
Homosassa Public Library	4100 S. Grandmarch Ave.	Homosassa	FL	34446
Land O'Lakes Branch Library	2818 Collier Pkwy.	Land O' Lakes	FL	34639
Pinellas Public Library	1330 Cleveland St.	Clearwater	FL	33755
Temple Terrace Public Library	202 Bullard Pkwy.	Temple Terrace	FL	33617
South Manatee Branch Library	6081 26th St.	West Bradenton	FL	34207
Jacaranda Public Library	4143 Woodmere Park Blvd.	Venice	FL	34293
Mid County Regional Library	2050 Forrest Nelson Blvd.	Port Charlotte	FL	33952
Riverdale Branch Library	2421 Buckingham Rd.	Fort Myers	FL	33905
St. Tammany Parish Library	310 W. 21st Ave.	Covington	LA	70433
Terrebonne Parish Library	151 Library Dr.	Houma	LA	70360
New Orleans Public Library, Louisiana Division	219 Loyola Ave.	New Orleans	LA	70112
East Baton Rouge Parish Library	7711 Goodwood Blvd.	Baton Rouge	LA	70806
Jefferson Parish Library, East Bank Regional Library	4747 W. Napoleon Ave.	Metairie	LA	70001
Jefferson Parish Library, West Bank Regional Library	2751 Manhattan Blvd.	Harvey	LA	70058
Plaquemines Parish Library	8442 Hwy. 23	Belle Chase	LA	70037
St. Bernard Parish Library	2600 Palmisano Blvd.	Chalmette	LA	70043
St. Martin Parish Library	201 Porter St.	Martinville	LA	70582
Alex P. Allain Library	206 Iberia St.	Franklin	LA	70538
Vermillion Parish Library	405 E. St. Victor St.	Abbeville	LA	70510
Lafourche Parish Public Library (formerly Martha Sowell Utley Memorial Library)	314 St. Mary St.	Thibodaux	LA	70301
South Lafourche Public Library	16241 E. Main St.	Cut Off	LA	70345
Calcasieu Parish Public Library Central Branch	301 W. Claude St.	Lake Charles	LA	70605
Iberia Parish Library	445 E. Main St.	New Iberia	LA	70560
Mark Shirley, Louisiana State University AgCenter	1105 W. Port St.	Abbeville	LA	70510

<b>Repository</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
Sandy Ha Nguyen, Coastal Communities Consulting	925 Behrman Hwy., Suite 15	Gretna	LA	70056
Biloxi Public Library, Local History and Genealogy Department	580 Howard Ave.	Biloxi	MS	39530
West Biloxi Public Library	2047 Pass Rd.	Biloxi	MS	39531
Waveland Public Library	333 Coleman Ave.	Waveland	MS	39576
Vanceleave Public Library	12604 Hwy. 57	Vanceleave	MS	39565
Hancock County Library System	312 Hwy. 90	Bay St. Louis	MS	39520
Gulfport Harrison County Library	1708 25th Ave.	Gulfport	MS	39501
Pass Christian Public Library	111 Hiern Ave.	Pass Christian	MS	39571
Orange Grove Branch Library	12135 Old Hwy. 49	Gulfport	MS	39503
Kathleen McIlwain Public Library	2100 Library Ln.	Gautier	MS	39553
Pascagoula Public Library	3214 Pascagoula St.	Pascagoula	MS	39567
Ina Thompson Moss Point Library (formerly Moss Point Library)	4119 Bellview	Moss Point	MS	39563
Ocean Springs Municipal Library	525 Dewey Ave.	Ocean Springs	MS	39564
Kiln Public Library	17065 Hwy. 603	Kiln	MS	39556
Margaret Sherry Memorial Library	2141 Popp's Ferry Rd.	Biloxi	MS	39532
East Central Public Library	21801 Slider Rd.	Moss Point	MS	39555
Jerry Lawrence Memorial Library (formerly D'Iberville Library)	10391 AutoMall Pkwy.	D'Iberville	MS	39540
Mercy Housing & Human Development	1135 Ford St.	Gulfport	MS	39507
Center for Environmental and Economic Justice	336 Rodenberg Ave.	Biloxi	MS	39531
STEPS Coalition	11975 Seaway Rd., Ste. A240	Gulfport	MS	39503
Gulf Islands National Seashore Visitors Center	3500 Park Rd.	Ocean Springs	MS	39564
Mississippi Commercial Fisheries United	6421 Beatline Road	Long Beach	MS	39560
Jack K. Williams Library, Texas A&M University at Galveston	200 Seawolf Pkwy., Bldg. 3010	Galveston	TX	77554
Port Arthur Public Library	4615 9th Ave.	Port Arthur	TX	77672
Mary and Jeff Bell Library Texas A&M	6300 Ocean Dr.	Corpus Christi	TX	78412
Rosenberg Library	2310 Sealy St.	Galveston	TX	77550

### **Translation Opportunities**

Vietnamese translation will be available upon request for the virtual public meetings. Anyone requiring assistance or access to translation should contact Jamie Schubert at [regionwide.tig@noaa.gov](mailto:regionwide.tig@noaa.gov) by April 5, 2021. Vietnamese translated materials including the Executive Summary and project fact sheets are posted in the “News” section of the Regionwide TIG’s website:

<http://www.gulfspillrestoration.noaa.gov/restoration-areas/regionwide>.

### **Administrative Record**

The documents comprising the Administrative Record for the Draft RP/EA can be viewed electronically at <http://www.doi.gov/deepwaterhorizon/adminrecord>.

### **Authority**

The authority of this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*) and its implementing Oil Pollution Act 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.*).

Dated: March 16, 2021.

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Carrie Diane Robinson,  
Director, Office of Habitat Conservation,  
National Marine Fisheries Service.

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