

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 was 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 Impact Statement

This document, the “Alabama Trustee Implementation Group Draft Restoration Plan I and Environmental Impact Statement: Provide and Enhance Recreational Opportunities” (RP/EIS), was prepared by the Alabama Trustee Implementation Group (AL TIG) pursuant to OPA and is consistent with the DWH Trustees’ findings in the Final PDARP/PEIS. The AL TIG includes two state trustee agencies and four federal trustee agencies: the Alabama Department of Conservation and Natural Resources (ADCNR); the Geological Survey of Alabama (GSA); 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 U.S. Department of Agriculture (USDA); and the U.S. Environmental Protection Agency (USEPA) (collectively the AL TIG).

The AL TIG prepared this RP/EIS to inform the public about DWH NRDA restoration planning efforts and to seek public comment on the six preferred alternatives (five preferred restoration alternatives proposed for implementation and one preferred restoration alternative proposed for engineering and design [E&D]).

In identifying proposed projects for this RP/EIS, the AL TIG considered the OPA screening criteria, the Restoration Goals and other criteria identified by the DWH Trustees in the Final PDARP/PEIS, 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/EIS, the majority of NRDA funds that will be made available to the AL TIG—over \$110 million—are to be used for the “Provide and Enhance Recreational Opportunities” Restoration Type. Because of the significant injury to recreational use services as a result of the oil spill, the AL TIG chose to prioritize restoration projects under this Restoration Type in this RP/EIS. In particular, the RP/EIS focuses on implementation of projects to compensate for lost shoreline recreational use because, overall, the majority of recreational use loss in Alabama affected shoreline use.

This restoration planning activity is occurring, in part, in accordance with the February 16, 2016, decision in *Gulf Restoration Network v. Jewell et al.*, Case 1:15-cv-00191-CB-C (S.D. Ala.). In that decision, the court prohibited the use of \$58.5 million in early restoration funds until additional analysis was completed under NEPA and OPA. This draft RP/EIS fulfills the federal and state natural resources trustees' responsibilities under this court order. It also looks more broadly at the potential to provide

restoration for lost recreational use within Alabama by evaluating nine project alternatives that are intended to compensate for a part of Alabama's recreational use injury. Out of those nine projects, the AL TIG proposes moving forward with the following recreational use projects within the "Provide and Enhance Recreational Opportunities" Restoration Type:

- Gulf State Park Lodge and Associated Public Access Amenities Project – \$56,300,000
- Fort Morgan Pier Rehabilitation – \$3,075,000
- Laguna Cove Little Lagoon Natural Resource Protection – \$4,400,000
- Bayfront Park Restoration and Improvement (E&D only) – \$1,000,000
- Dauphin Island Eco-Tourism and Environment Education Area – \$4,000,000
- Mid-Island Parks and Public Beach Improvements (Parcels B and C) – \$1,900,000

The total funding proposed in this RP/EIS is \$70,675,000.