

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 the BP Exploration and Production, Inc. (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 (USDOJ, 2016). 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, sea turtles, other protected marine life, and services such as recreational use opportunities. 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 these extensive response actions, together make up the DWH oil spill.

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 (DWH Trustees¹) was established to assess natural resource injuries resulting from the incident and to work to make the environment and public whole for those injuries. As required under OPA, the Trustees conducted a natural resource damage assessment (NRDA) to assess the natural resource injuries resulting from the spill and to determine the type and amount of restoration required to compensate the public for those injuries. The *Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement* (Final PDARP/PEIS) summarizes these injuries and a suite of restoration alternatives (DWH Trustees, 2016).

In the Final PDARP/PEIS, the DWH Trustees determined that the injuries caused by the DWH oil spill affected such a wide array of linked resources over such an enormous area that the effects of the spill must be described as constituting an ecosystem-level injury. Consequently, the DWH Trustees' chosen alternative for restoration planning employs a comprehensive, integrated ecosystem approach to address the ecosystem-level injury. The Final PDARP/PEIS describes a comprehensive restoration plan at a programmatic level to guide and direct the ecosystem-level restoration effort, based on the following five programmatic restoration 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

The Final PDARP/PEIS also summarizes a suite of 13 restoration types that can be used to advance the Trustees' restoration goals (DWH Trustees, 2016, Figure 5.4-1). For example, the "Birds" restoration type can advance the goal of "replenish and protect living coastal and marine resources." The DWH Consent Decree with BP and the Final PDARP/PEIS include funding allocations for each restoration type and each Trustee as well as for monitoring, adaptive management, and administrative oversight. In total, these allocations include \$8.8 billion in natural resource damage claims that will be paid over a 15-year period,

¹ The DWH Trustee Council comprises the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of the Interior (DOI), U.S. Department of Agriculture (USDA), U.S. Environmental Protection Agency (USEPA), and the states of Alabama, Florida, Louisiana, Mississippi, and Texas.

with \$5 billion allocated to Louisiana through the Louisiana Trustee Implementation Group (LA TIG). These figures include funding that BP previously committed to pay for Early Restoration projects.

LA TIG Draft Phase 2 Restoration Plan and Environmental Assessment #7.1

The LA TIG previously prepared the *Louisiana Trustee Implementation Group Final Restoration Plan/Environmental Assessment #7: Wetlands, Coastal, and Nearshore Habitats and Birds* (Final RP/EA #7) pursuant to OPA and the National Environmental Policy Act (NEPA). The Terrebonne HNC Island Restoration Project was selected for engineering and design (E&D) in the Final RP/EA #7. This *Draft Phase 2 Restoration Plan and Environmental Assessment #7.1: Terrebonne HNC Island Restoration Project* (RP/EA #7.1) presents OPA NRDA and NEPA evaluations of design alternatives for the Terrebonne HNC Island Restoration project, 2) identifies a preferred design alternative for implementation, 7A, and 3) seeks input from the public on the plan. This Draft RP/EA #7.1 is consistent with the Final PDARP/PEIS and Record of Decision, OPA, and NEPA.

In identifying the preferred design alternative for this RP/EA, the LA TIG considered (1) the OPA NRDA regulations screening criteria found at 15 Code of Federal Regulations (CFR) 990.54, (2) specific goals identified by the DWH Trustees in the Final PDARP/PEIS and Final RP/EA #7 under the Birds restoration type, (3) goals developed by the LA TIG for this restoration plan, (4) input from the public, and (5) the current and future availability of funds under the DWH oil spill NRDA settlement payment schedule.

The LA TIG addresses the programmatic restoration goal to replenish and protect living coastal and marine resources by proposing implementation of the Terrebonne HNC Island Restoration project design alternative 7A. Design alternative 7A would implement the restoration approaches of “restore and conserve bird nesting and foraging habitat” and “create, restore, and enhance barrier and coastal islands and headlands” by increasing the acreage of the island from 27.6 acres to approximately 41.4 acres of shrub nesting, ground nesting, and marsh habitat. An existing, degraded perimeter rock dike would be restored, and breakwaters may be constructed on the northeast side of the island to provide further protection as well as calm water for loafing. Habitat restoration would be accomplished by raising the elevation of HNC Island using dredged material from a borrow area near Cat Island Pass. The estimated cost for implementing design alternative 7A is \$34 million.

For this RP/EA, DOI serves as the lead federal agency responsible for NEPA compliance. The remaining federal and state agencies of the LA TIG are acting as cooperating agencies for the purposes of compliance with NEPA in the development of this RP/EA. In accordance with 40 CFR §1506.3(a), each of the federal cooperating agencies participating on the LA TIG will review the final RP/EA for adequacy in meeting the standards set forth in its own NEPA implementing procedures and expects to adopt the Final EA if appropriate.

The public is encouraged to review and comment on this Draft RP/EA #7.1, made available for public review and comment for 30 days, as specified in the public notice published in the Federal and Louisiana Registers. Comments may be submitted during the comment period by one of the following methods:

- Via the internet at the following URL: <http://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>
- Via hard copy, write: U.S. Fish and Wildlife Service Gulf Restoration Office, 1875 Century Blvd, Atlanta, GA 30345
- Via webinar: registration for, and details specific to, the webinar are provided in a web story posted at the following URL: <http://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>

Submissions must be postmarked no later than 30 days after the release date of the Draft RP/EA #7.1. To facilitate public comment, a public review meeting is scheduled via webinar for September 8, 2022, at 2:00 pm central time. Comments will be summarized in the Final RP/EA #7.1, and all public comments will be included in their entirety in the administrative record.