

**LWMIWCB CRUDE OIL DISCHARGES
NOTICE OF AVAILABILITY OF A DRAFT SETTLEMENT AGREEMENT**

ACTION: Notice of availability of a Draft Settlement Agreement (Draft SA) and Draft Damage Assessment and Preliminary Restoration Plan (Draft DAPRP) with a 30-day public review and comment period on the Draft SA and Draft DAPRP for LOSCO NRDA case files: #LA2003_0302_0716 [Lake Washington 2003]; #LA2003_1202_1200 [Mendicant Island 2003]; and #LA2005_0419_1950 [West Champagne Bay 2005], collectively referred to as LWMIWCB.

AGENCIES: Louisiana Oil Spill Coordinator's Office, Department of Public Safety and Corrections (LOSCO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); Louisiana Department of Wildlife and Fisheries (LDWF); and Louisiana Coastal Protection and Restoration Authority (CPRA).

AUTHORITIES:

The Oil Pollution Act of 1990 (OPA) (33 USC 2701 *et seq.*) and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA) (La. Rev. Stat. 30:2451 *et seq.*) are the principal federal and state statutes, respectively, authorizing federal and state agencies and tribal officials to act as natural resource trustees for the recovery of damages for injuries to trust resources and services resulting from oil spill incidents in Louisiana. In accordance with OPA and OSPRA, the agencies listed above (referred to herein as the "Trustees") have conducted a Natural Resource Damage Assessment (NRDA) for the March 2, 2003 crude oil discharge into Lake Washington, Plaquemines Parish, Louisiana and the December 2, 2003 and April 19, 2005 crude oil discharges into Barataria Bay, Jefferson Parish, Louisiana. ExxonMobil Pipeline Company (EMPCo) was identified as the Responsible Party for the three incidents.

SUMMARY: Pursuant to La. Admin. Code 43:XXIX, Chapter 1, notice is hereby given that a document entitled, "Draft Settlement Agreement Lake Washington (2003), Mendicant Island (2003), and West Champagne Bay (2005)" is available for public review and comment. The Draft SA was negotiated by the Trustees and EMPCo to recover damages for injuries to natural resources and services resulting from the incidents. Once finalized and executed, the Settlement Agreement would become a binding agreement in which EMPCo agrees to pay the Trustees for their response costs, past assessment costs, future trustee costs, and future restoration project implementation costs associated with a Trustee-implemented compensatory restoration project. The Draft DAPRP is included as Attachment 1 of the Draft SA and provides information on the natural resource injury determinations conducted as part of the NRDA and identifies the Trustees' preliminary restoration plan for compensating the public for injuries to natural resources and services resulting from the three incidents. The Draft SA and Draft DAPRP are available to the public for a 30-day comment period, which will begin on the date of this public notice announcing availability of the documents for public review. The Trustees invite the public to review these documents and submit comments to the address listed below. The Trustees will consider comments received during the public comment period on the Draft SA and Draft DAPRP before finalizing either document. Execution of the Final Settlement Agreement by the Trustees and EMPCo shall provide the basis for compensating the public for injuries to natural resources and services resulting from the incidents. Public review of the Draft SA and Draft DAPRP is consistent with all State laws and regulations that apply to the NRDA process, including Section 2480 of OSPRA and the regulations for NRDA under OSPRA, La. Admin. Code 43:XXIX, Chapter 1.

Interested members of the public are invited to view the Draft SA and Draft DAPRP via the internet at <http://www.losco.state.la.us> (look under Newsflash/current news for LWMIWCB NRDA Draft Settlement Agreement Available) or by requesting a copy of the documents from Chuck Armbruster at the address provided below:

Charles K. Armbruster
Louisiana Oil Spill Coordinator's Office
Department of Public Safety and Corrections
P.O. Box 66614
Baton Rouge, LA 70896
(225) 925-6606
Charles.Armbruster@la.gov

COMMENT SUBMITTALS: Comments must be submitted in writing or digitally to Chuck Armbruster on or before the end of the 30-day comment period.

FOR FURTHER INFORMATION: Contact Chuck Armbruster at (225) 925-6606 or by email at charles.armbruster@la.gov.

SUPPLEMENTARY INFORMATION: On September 20, 2003, August 20, 2005, and February 20, 2006, the Trustees published Notices of Intent in the *Louisiana Register* (Vol. 29, No. 09, pp. 1952-1953; Vol. 31, No. 08, pp. 2151-2152; and Vol. 32, No. 02, pp. 343-344, respectively) to notify the public that they were going to conduct restoration planning for the three incidents and develop restoration alternatives that would restore, replace, rehabilitate, or acquire the equivalent of natural resources injured and/or natural resource services lost as a result of the incidents. In October 2016, EMPCo agreed to settle their NRDA liability for a cash amount, in lieu of implementing a restoration project. As a result, the Trustees have written a Draft DAPRP to, among other things: 1) identify the preferred restoration alternative, which will be implemented by the Trustees, as a basis for the cash settlement; 2) provide an analysis for scaling the injured resources to the preferred restoration alternative; and 3) identify the methodology used for estimating the costs of implementing the preferred restoration alternative. Once payment has been received from EMPCo, the Trustees will identify and evaluate potential restoration projects that will appropriately address injuries to natural resources resulting from the incidents. The preferred project(s) will be identified in a subsequent Draft Restoration Plan(s) (DRP). The DRP(s) will provide the public an opportunity to review and comment on the Trustees' preferred restoration project(s). After finalization of the DRP(s), a Final Restoration Plan(s) (FRP) will be released identifying the selected compensatory restoration project(s) to be implemented by the Trustees.

Marty J. Chabert
Oil Spill Coordinator