

NOTICE OF FINAL RESTORATION PLAN – LAKE WASHINGTON 2003 OIL SPILL

ACTION: Notice of Availability of a Final Restoration Plan (FRP) for LOSCO NRDA case file # LA2003_0302_0716 (Lake Washington 2003).

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), collectively referred to herein as the "Trustees".

AUTHORITIES: The Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701 *et seq.*, and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA), R.S. 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. OPA implementing regulations may be found at 15 C.F.R. Part 990 and OSPRA regulations at LAC 43:XXIX. In accordance with OPA, OSPRA, and the regulations, the Trustees have conducted a Natural Resource Damage Assessment (NRDA) for the March 2, 2003, crude oil discharge into Lake Washington, Plaquemines Parish, Louisiana (Incident). ExxonMobil Pipeline Company (EMPCo) was identified as the Responsible Party for the Incident.

SUMMARY: Pursuant to 15 C.F.R. §990.55 and LAC 43:XXIX, Chapter 1, notice is hereby given that a document entitled, "Final Restoration Plan – Lake Washington 2003 Oil Spill" is final and available to the public as of May 20, 2021. The FRP presents the Trustees' plan to restore natural resources or services equivalent to those lost as a basis for compensating the public for the injuries to natural resources resulting from the Incident. The FRP evaluates restoration alternatives that the Trustees considered and identifies the Trustees' preferred restoration alternative to create coastal herbaceous wetlands, including delta splay marsh, near East Bay, Plaquemines Parish, Louisiana.

The Draft Restoration Plan (DRP) was made available to the public for a 30-day review and comment period, which extended from March 23, 2021 through April 22, 2021. Public review of the DRP was consistent with all federal and state laws and regulations that apply, including Section 1006 of OPA, 33 U.S.C. § 2706; the OPA regulations, 15 C.F.R. Part 990; Section 2480 of OSPRA, R.S. 30:2480; and the OSPRA regulations, LAC 43:XXIX. The Trustees did not receive comments during the public comment period and have prepared the FRP for implementation.

Interested members of the public are invited to view the FRP via the internet at <http://www.losco.state.la.us> (look under Newsflash/current news for Lake Washington 2003 Final Restoration Plan Available) or by requesting a copy of the document from Charles K. Armbruster at the following address:

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

SUPPLEMENTARY INFORMATION: On September 20, 2003, the Trustees published a Notice of Intent in the *Louisiana Register* (Vol. 29, No. 9, pp. 1952-1953) to notify the public that they intended to conduct restoration planning for the Incident 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 Incident. The discharge exposed estuarine habitats as well as birds and other wildlife to crude oil. EMPCo was also identified as the Responsible Party for two other unauthorized crude oil discharges in the vicinity of the Lake Washington incident. These included the Mendicant Island incident on December 2, 2003 and the West Champagne Bay incident on April 19, 2005. The two incidents and the Lake Washington incident (collectively referred to as the LWMIWCB Incidents) were combined into one collective NRDA and joint settlement agreement between the Trustees and EMPCo. In October 2016, EMPCo agreed to settle their NRDA liability for a cash amount, and the Trustees published a Notice of Availability of a Draft Settlement Agreement in the *Louisiana Register* on July 20, 2017 (Vol. 43, No. 07, pp. 1487-1488). The Trustees did not receive comments during the 30-day public comment period and published a Notice of Availability of a Final Settlement Agreement in the *Louisiana Register* on November 20, 2017 (Vol. 43, No. 11, pp. 2449). A signed copy of the Settlement Agreement is available via the internet at <https://data.losco.org/PublicAdministrativeRecordSearch/Index/6>. The preferred alternative will be funded using a portion of the LWMIWCB settlement funds.

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Oil Spill Coordinator