

# The Deepwater Horizon Oil Spill and the State of Louisiana



SLFPA-E  
November 16, 2011



# Deepwater Horizon

# Legal Basis

- **Oil Pollution Act (OPA) - 1990**
- **Oil Spill Prevention and Response Act (OSPRA) - 1991**

# Unprecedented Disaster

- **4.9 million barrels of oil discharged**
- **47,829 Responders at peak**
- **9,700 vessels at peak**
- **3.8 million feet of hard boom deployed**
- **9.7 million feet of soft boom deployed**
- **1.8 million gallons of dispersants used**
- **411 in-situ burns conducted**
- **127 surveillance aircraft**



# Response Oiling Summary

State	Maximum Shoreline Oiling	All Oil Observed As of Last Survey (11/5)
Louisiana	649.6 (61%)	244.1 (53%)
Total for LA, AL, MS, FL	1072	459.4



Photos taken by Louisiana Department of Wildlife and Fisheries the week of April 11, 2011



# Responsible Party (RP) Liabilities

# Types of Claims Under OPA

- **Response and Removal Costs**
- **Natural Resource Damages**
- **Clean Water Act Fines**
- **Lost Revenue**
- **Increased Cost of Public Services**
- **Property Damage**
- **Lost Income**
- **Subsistence Use**

# Clean Water Act

- **Penalties authorized per day and per barrel of oil discharged**
- **Supplemental Environmental Projects**
- **Congressional Legislation Pending:**
  - **Current law directs fines to Oil Spill Liability Trust Fund**
  - **National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling Final Report recommended 80% dedication**
  - **Gulf Coast Ecosystem Restoration Task Force**

# Natural Resource Damage Assessment

# NRDA Overview

## Goal

To make the environment and public whole for injuries to natural resources and services resulting from an incident involving a discharge or substantial threat of a discharge of oil

## Trustees

Manage process, represent public interest and ensure restoration of injured natural resources

# Trustees

## State Trustees

### Alabama

- Department of Conservation and Natural Resources
- Geological Survey of Alabama

### Mississippi

- Department of Environmental Quality

### Florida

- Department of Environmental Protection
- Fish and Wildlife Conservation Commission

### Louisiana

- Coastal Protection and Restoration Authority (CPRA)
- Oil Spill Coordinator's Office
- Department of Environmental Quality
- Department of Wildlife and Fisheries
- Department of Natural Resources

### Texas

- Commission on Environmental Quality
- Parks and Wildlife Department
- General Land Office

## Federal Trustees

### Department of Commerce

- National Oceanic and Atmospheric Administration

### Department of the Interior

- Fish and Wildlife Service
- National Park Service
- Bureau of Land Management
- Bureau of Indian Affairs

# Cooperative Process

- **Trustee Council**
  - **State and Federal Trustees work together to assess injuries to resources and develop legal case**
  - **Executive Committee of state and federal trustees meet regularly to coordinate high level decisions**
- **Responsible Parties (RPs) are invited to participate in a cooperative process for assessing injured resources**
- **RPs fund assessment activities**
- **Trustees may exit the cooperative process**

# Stages of NRDA



Pre-assessment

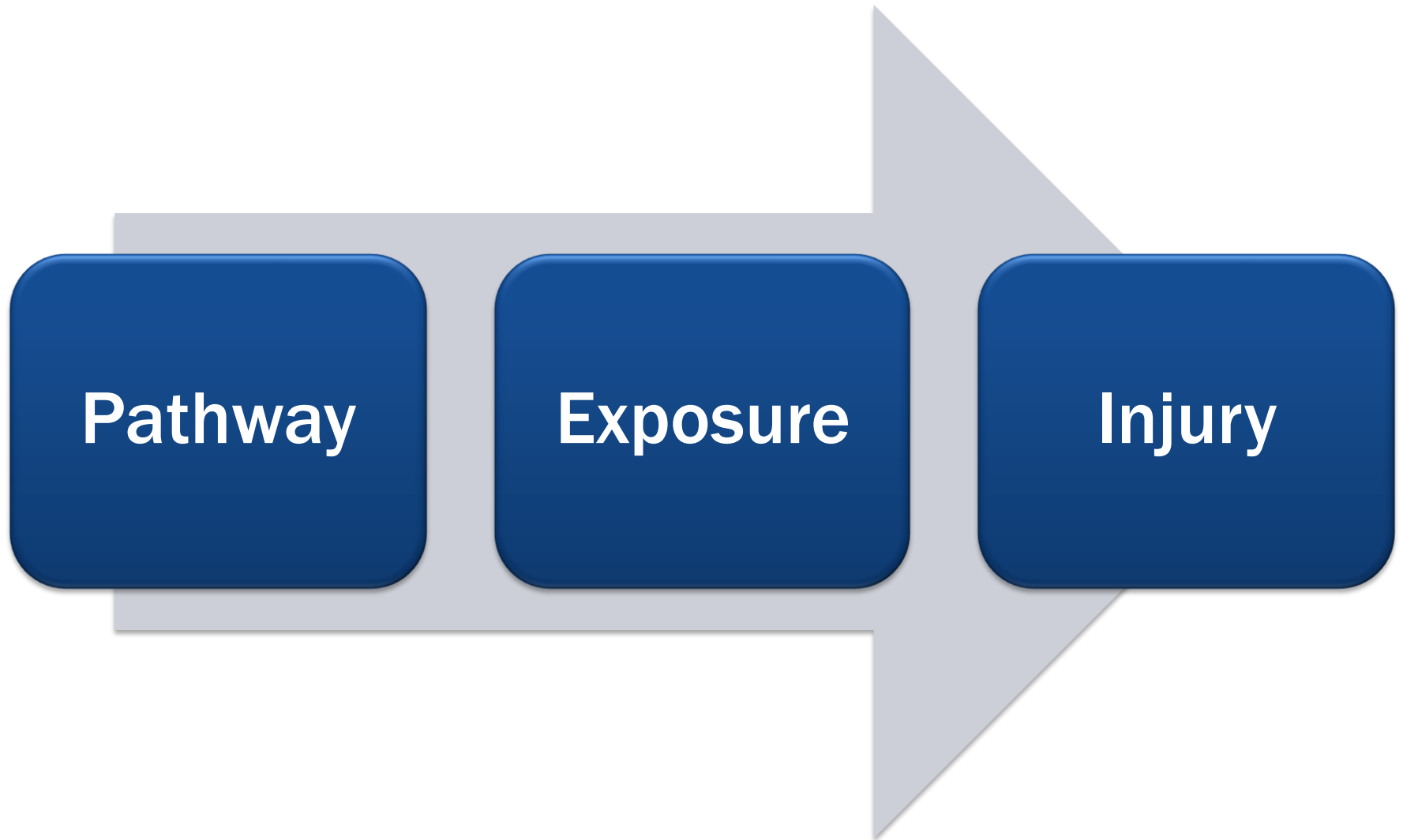


Injury  
Assessment and  
Restoration  
Planning

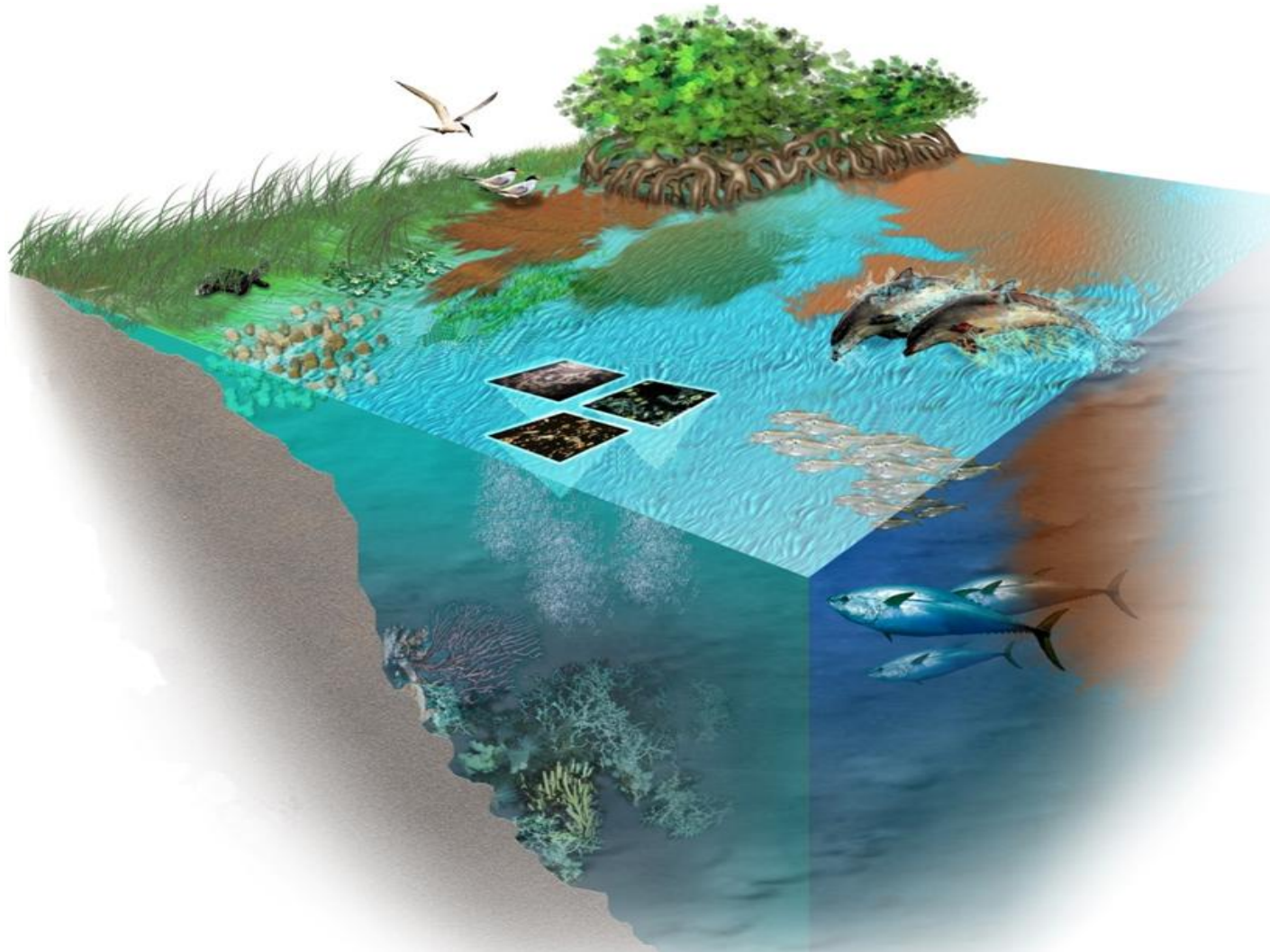


Restoration  
Implementation

# Determining Injury

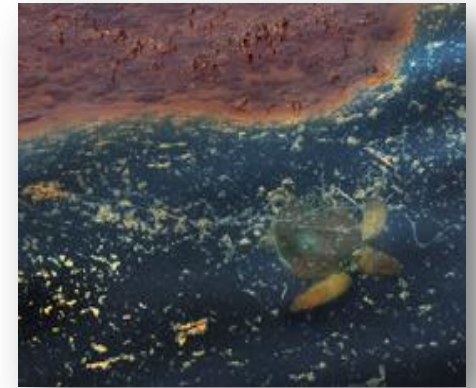


# Assessment

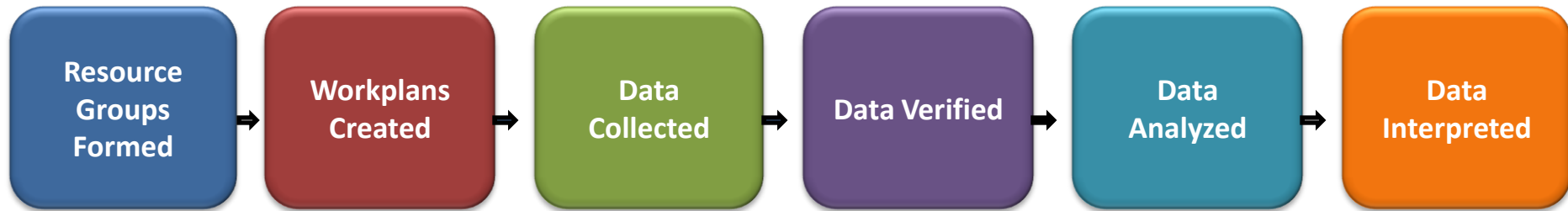


# Resource Groups

- Habitat
- Aquatic
- Wildlife
- Human Use
- Cultural



# DWH Data Flow



# Workplan Overview

- There are approximately 250 work plans (studies) being developed and implemented Gulf-wide to identify potential injuries to resources
- Over 30,000 data records
- Finalized work plans are available to the public:
  - <http://losco-dwh.com> (Louisiana-specific)
  - [www.gulfspillrestoration.noaa.gov](http://www.gulfspillrestoration.noaa.gov) (Gulf-wide)

# Public Outreach

- **Public meetings**
- **Continued outreach and public comment to be conducted in the future**
- **Coordination with Parish officials**
- **Coastal Protection and Restoration Authority**
- **Governor's Oyster Advisory Committee**



# Early Restoration Overview

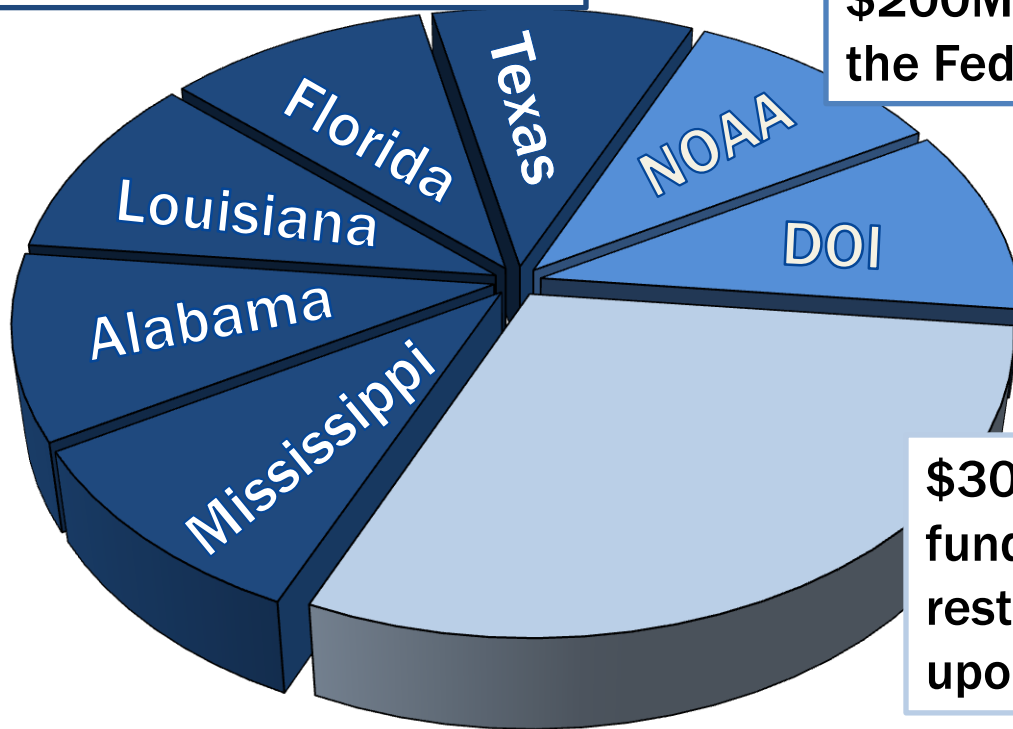
- **April 21, 2011 - Deepwater Horizon Natural Resource Trustees announced \$1 billion down payment for early restoration**
- **Louisiana first made the request July 2010**
- **Largest early restoration agreement ever reached**
- **Provides an opportunity to implement restoration projects prior to the completion of the natural resource damage assessment (NRDA) process**

# Allocation of Funds

## \$1 Billion Early Restoration Agreement

\$500M will be split equally among the Gulf State Trustees

\$200M will be split equally among the Federal Trustees



\$300M will be used to fund state sponsored restoration projects based upon impacts.

# “Louisiana Plan” Projects

<b>Project</b>	<b>Approximate Cost</b>
<b>Oyster Re-establishment Program</b>	<b>\$15M</b>
<b>Salt Water Hatchery</b>	<b>\$48M</b>
<b>Shell Island Restoration</b>	<b>\$110M</b>
<b>Chandeleur Islands Restoration</b>	<b>\$65M</b>
<b>Biloxi Marsh Shoreline Protection</b>	<b>\$45M</b>
<b>Lake Hermitage Additional increment</b>	<b>\$13.9M</b>

*Projects continued on next slide.*

# “Louisiana Plan” Projects

<b>Project</b>	<b>Approximate Cost</b>
<b>Grand Liard Marsh &amp; Ridge Restoration</b>	<b>\$31.3M</b>
<b>Cheniere Ronquille Barrier Island Restoration</b>	<b>\$44M</b>
<b>Bay Side Segmented Breakwater at Grand Isle</b>	<b>\$3.3M</b>
<b>West Grand Terre Beach Nourishment</b>	<b>\$9M</b>
<b>West Grand Terre Stabilization</b>	<b>\$3M</b>
<b>Barataria Basin Barrier Shoreline Restoration - Caminada Headland</b>	<b>\$75M</b>
<b>Maintain Land Bridge Between Caillou Lake and Gulf of Mexico</b>	<b>\$71M</b>
<b>APPROXIMATE TOTAL</b>	<b>\$533.5M</b>

# NRDA Early Restoration Update

- **“Louisiana Plan” projects proposed to Trustee Council**
- **Discussions with the Trustee Council and BP are ongoing**