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## **Summary of meetings conducted as part the informal scoping for the Louisiana Proposed Statewide Regional Restoration Planning (RRP) Program for Oil Spills**

### **October 17, 2000 Informal Regulatory Agency Scoping RRP Meeting**

- ◆ Briefed attendees on:
  - ◆ Purpose and Need for the Louisiana RRP Program
  - ◆ Scope of the RRP program
  - ◆ Proposed Regions
  - ◆ Status of the Planning effort
  - ◆ Schedule for development of the PEIS and First Plan
- ◆ Issues Raised and Discussed:
  - ◆ Incorporation of offshore resources in the RRP – Discussed extending proposed regional boundaries out to the OCS or, alternatively developing an “offshore” region
  - ◆ Move the list of projects into the appendix (i.e., 2.7 on EIS outline)
  - ◆ The need to coordinate other programs with the RRP including:
    - ◆ Timing/order of plan development
    - ◆ Strategies/goals of other programs
    - ◆ Solicitation of potential restoration projects
  - ◆ The need to develop a decision-making matrix for project selection
  - ◆ The need to consider incorporation of a cost-adjustment mechanism to ensure adequate funding of projects to be implemented at a later date
  - ◆ The need to demonstrate cost-savings to industry resulting from the use of the RRP for NRDA cases
  - ◆ The need to demonstrate the difference between environmental impacts under the current condition and those that are likely to result from the implementation of the RRP (i.e., cumulative impacts)
  - ◆ Recommendation to limit projects in the RRP to those projects that can be planned and implemented quickly
  - ◆ General comments that the timeline for the EIS production was unrealistic
  - ◆ The need to keep the plans current (i.e., update projects)
  - ◆ Overall support of the RRP concept

### **October 19, 2000 Informal Scoping Meeting with Mid Continent Oil and Gas**

- ◆ Briefed attendees on:
  - ◆ Purpose and Need for the Louisiana RRP Program
  - ◆ Scope of the RRP program
  - ◆ Proposed Regions
  - ◆ Status of the Planning effort
  - ◆ Schedule for development of the PEIS and First Plan
  - ◆ Settlement-Alternative Concepts
- ◆ Issues Raised and Discussed:
  - ◆ Genesis of the RRP Program
  - ◆ The need to ensure that the RRP will be used

- ◆ The need to ensure that the “contingencies” do not make the plan cost-prohibitive
- ◆ The need to ensure that all federal trustees participate in the RRP
- ◆ The need to ensure that the monies from cash settlements are tracked and used for restoration
- ◆ Legislatively created trust fund
- ◆ Cooperative development of ways to increase the efficiency of the NRDA at all phases of the process
- ◆ General comments that the timeline for the EIS production was unrealistic
- ◆ The need to ensure that the costs associated with the projects to be incorporated in the RRP are reasonable
- ◆ The best means and timing for industry to provide input into the RRP planning process

**November 20, 2000 Informal Scoping with Coalition to Restore Coastal Louisiana**

- ◆ Briefed attendee on:
  - ◆ Purpose and Need for the Louisiana RRP Program
  - ◆ Scope of the RRP program
  - ◆ Proposed Regions
  - ◆ Status of the Planning effort
  - ◆ Schedule for development of the PEIS and First Plan
  - ◆ Scoping meeting with regulatory agencies
  - ◆ Need for legislative actions
- ◆ Issues Raised and Discussed:
  - ◆ Clearly define scope of the RRP Program (i.e., OPA; identify potential use under other programs [e.g., CERCLA])
  - ◆ The need to ensure that the RRP will be used
  - ◆ The need evaluate the impact of the predictability of cost

**December 5, 2000 Informal Scoping with Coastal States Organization**

- ◆ Briefed attendees on:
  - ◆ Purpose and Need for the Louisiana RRP Program
  - ◆ Scope of the RRP program
  - ◆ Proposed Regions
  - ◆ Status of the Planning effort
  - ◆ Schedule for development of the PEIS and First Plan
  - ◆ Need for legislative actions
  - ◆ Issues and challenges
- ◆ Issues Raised and Discussed:
  - ◆ NOAA’s interest in using the Louisiana RRP as a model for other coastal states

**December 14, 2000 Informal Scoping Meeting with Mid Continent Oil and Gas**

- ◆ Briefed attendees on:

- ◆ Status of Settlement Alternative development
- ◆ Proposed Regions
- ◆ Received comments
- ◆ Issues Raised and Discussed:
  - ◆ Industry's interest in being involved in the development of the RRP Program to the maximum extent possible (including development of legislation)
  - ◆ Scope of legislation required to support the RRP Program (including Trust Fund and development cost)
  - ◆ Management Framework
  - ◆ Recommended establishing the RRP Program Trustee Council legislatively
  - ◆ Industry's interest in having settlement alternative options for NRDA settlements
  - ◆ Industry generally supports the RRP Concept
  - ◆ Industry's interest in having NRDA restoration projects combined with larger restoration initiatives in the State to maximize economies of scale and project sustainability
  - ◆ The need to ensure that restoration is ecosystem driven as opposed individual-resource driven
  - ◆ The need to include pre-assessment in the RRP Program to ensure that potential process-efficiency improvements encompass the entire NRDA process
  - ◆ The need to include "acquisition of equivalent" as an restoration option
  - ◆ Need to ensure federal approval of the program (including project listings)
  - ◆ The need to ensure that project selection criteria minimize political influences in project selection
  - ◆ Need to evaluate LA Compensatory Mitigation Program for use in the RRP Program (especially use of mitigation areas in upland environments)
  - ◆ The need to ensure administrative efficiency
- ◆ Action Items:
  - ◆ Trustees to respond to industry regarding:
    1. Draft project selection criteria
    2. Administrative Process
    3. Review of LA Compensatory Mitigation Program
    4. Draft legislation
  - ◆ Industry to respond to Trustees regarding:
    1. Review of LA Compensatory Mitigation Program
    2. Potential settlement alternatives and expedited assessment options

**January 9, 2001 Informal Scoping with Ducks Unlimited**

- ◆ Briefed attendee on:
  - ◆ Purpose and Need for the Louisiana RRP Program
  - ◆ Scope of the RRP program
  - ◆ Proposed Regions
  - ◆ Status of the Planning effort
  - ◆ Schedule for development of the PEIS and First Plan

- ◆ Scoping meeting with regulatory agencies
- ◆ Need for legislative actions
- ◆ Need for project solicitation
- ◆ Issues Raised and Discussed:
  - ◆ The need for project solicitation
  - ◆ The need for Public Review Document that explains the RRP program
  - ◆ The need for Public Outreach
  - ◆ Availability of Ducks Unlimited publications for RRP outreach
  - ◆ The need to ensure that the RRP will be used
  - ◆ Potential agreements with organizations to support plan development
  - ◆ Who does implementation of projects
  - ◆ Public access to restoration projects

**January 11, 2001 Informal Scoping with Gulf Coast Environmental Affairs Group (GCEAG)**

- ◆ Briefed attendees on:
  - ◆ Purpose and Need for the Louisiana RRP Program
  - ◆ Scope of the RRP program
  - ◆ Status of the Planning effort
  - ◆ Proposed Regions
  - ◆ Schedule for development of the PEIS and First Plan
  - ◆ Need for legislative actions
- ◆ Issues Raised and Discussed
  - ◆ Involvement of industry representatives in RRP Program development

**January 12, 2001 Informal Scoping with Landowner Association**

- ◆ Briefed attendees on:
  - ◆ Purpose and Need for the Louisiana RRP Program
  - ◆ Scope of the RRP program
  - ◆ Proposed Regions
  - ◆ Status of the Planning effort
  - ◆ Schedule for development of the PEIS and First Plan
  - ◆ Need for legislative actions
  - ◆ Need for project solicitation
  - ◆ Proposed RRP Management structure
- ◆ Issues Raised and Discussed
  - ◆ NRDA versus 3<sup>rd</sup> party claims
  - ◆ RRP Program provides a programmatic framework to the NRDA Process
  - ◆ Potential for conducting NRDA in the absence of a viable RP
  - ◆ Capability of handling high number of NRDA cases
  - ◆ Need to ensure that RRP Program provides for restoration “on-site”
  - ◆ Need to establish a system that notifies landowners that a spill has occurred

**January 18, 2001 Informal Scoping with Barataria-Terrebonne National Estuary Program (BTNEP) Management Conference**

- ◆ Briefed attendees on:
  - ◆ Purpose and Need for the Louisiana RRP Program
  - ◆ Scope of the RRP program
  - ◆ Proposed Regions
  - ◆ Status of the Planning effort
  - ◆ Schedule for development of the PEIS and First Plan
  - ◆ Need for legislative actions
  - ◆ Need for project solicitation
  - ◆ Proposed RRP Management structure
  - ◆ RRP Program provides a programmatic framework to the NRDA Process
- ◆ Issues Raised and Discussed:
  - ◆ NRDA versus 3<sup>rd</sup> party claims
  - ◆ Potential for private sector contractors
  - ◆ Need to incorporate broad-scale ecosystem restoration (i.e., multi-species) within the RRP Program

**January 25, 2001 Informal Scoping with Regional Response Team VI**

- ◆ Briefed attendees on:
  - ◆ Purpose and Need for the Louisiana RRP Program
  - ◆ Scope of the RRP program
  - ◆ Proposed Regions
  - ◆ Status of the Planning effort
  - ◆ Schedule for development of the PEIS and First Plan
  - ◆ Need for legislative actions
  - ◆ Need for project solicitation
  - ◆ Proposed RRP Management structure
  - ◆ RRP Program provides a programmatic framework to the NRDA Process
  - ◆ Invitation to other trustees to participate in the development and implementation of the program
  - ◆ Need to improve spill notifications
- ◆ Issues Raised and Discussed:
  - ◆ Potential conflict between NRDA and response activities because some agencies do not have personnel dedicated to NRDA

**February 9, 2001 Informal Scoping with Louisiana Parishes**

- ◆ Briefed attendees on:
  - ◆ Purpose and Need for the Louisiana RRP Program
  - ◆ Scope of the RRP program
  - ◆ Proposed Regions
  - ◆ Status of the Planning effort
  - ◆ Schedule for development of the PEIS and First Plan
  - ◆ Need for legislative actions

- ◆ Need for project solicitation
- ◆ Proposed RRP Management structure
- ◆ RRP Program provides a programmatic framework to the NRDA Process
- ◆ Need to coordinate RRP Program development with parishes
- ◆ Issues Raised and Discussed:
  - ◆ Need to have meetings with parishes in each of the regions
  - ◆ RRP Program is statewide
  - ◆ RRP Program only addresses NRDA for oil spills

**February 19, 2001 Informal Scoping Meeting with Mid Continent Oil and Gas**

- ◆ Briefed attendees on:
  - ◆ Goal and Objectives of the RRP Program
  - ◆ Proposed Regions
  - ◆ Settlement alternatives
  - ◆ Potential Resource categories
  - ◆ Potential restoration types
  - ◆ Restoration type and project selection criteria
  - ◆ RRP Program Implementation Process
  - ◆ Proposed RRP Management Framework and MOA
  - ◆ Need for legislative actions
  - ◆ Scope of Public Review Document
  - ◆ Status of the Planning effort
  - ◆ Schedule for development of the PEIS and First Plan
  - ◆ Benefits of the RRP Program
  - ◆ Potential of RRP Program
  - ◆ Revised EIS Outline
- ◆ Issues Raised and Discussed:
  - ◆ Feasibility of partnering NRDA restoration projects with mitigation projects
  - ◆ Ramification of delaying restoration of injured resources in order to pool funds to construct larger, more ecologically significant projects
  - ◆ Need to specifically add “matching” with other restoration programs as a settlement alternative
  - ◆ Need to ensure that the RRP Program maintains the option for the RP to implement project that addresses both the NRDA and 3rd party claim liability for damages
  - ◆ Need to consider building “urgency” or “immediacy” into selection of restoration type criteria
  - ◆ Focus of the NRDA process should be meaningful restoration even if the nexus is not as strong
  - ◆ Need to provide for the ability to go outside a specific region for restoration projects
  - ◆ Potential need for future rulemaking relative to the RRP Program
  - ◆ Need to consider reducing the number of regions currently proposed to reduce the administrative burden to the RRP Program (specific example provided: two regions, coastal and inland)

- ◆ Reiterated interest in mitigation banking concept, particularly in non coastal area

### **February 22, 2001 Informal Scoping Meeting with Regulatory Agency**

- ◆ Briefed attendees on:
  - ◆ Goal and Objectives of the RRP Program
  - ◆ Scope of NRDA
  - ◆ Proposed Regions
  - ◆ Settlement alternatives
  - ◆ Potential Resource categories
  - ◆ Potential restoration types
  - ◆ Restoration type and project selection criteria
  - ◆ RRP Program Implementation Process
  - ◆ Proposed RRP Management Framework and MOA
  - ◆ Need for legislative actions
  - ◆ Scope of Public Review Document
  - ◆ Status of the Planning effort
  - ◆ Schedule for development of the PEIS and First Plan
  - ◆ Benefits of the RRP Program
  - ◆ Potential of RRP Program
  - ◆ Revised EIS Outline
- ◆ Issues Raised and Discussed:
  - ◆ Purpose of the Public Review Document
  - ◆ Concurrence on proposed coastal regions
  - ◆ Options for incorporating federal offshore waters
  - ◆ Need to ensure that RPs meet all applicable regulatory requirements for implementing restoration projects
  - ◆ Potential for addressing injuries to resources from abandoned facilities through the RRP Program

### **March 21, 2001 Informal Scoping Meeting with Coastal Parishes**

- ◆ Briefed attendees on:
  - ◆ Purpose and Need for the Louisiana RRP Program
  - ◆ Scope of NRDA
  - ◆ Scope of the RRP program
  - ◆ Proposed Regions
  - ◆ Status of the Planning effort
  - ◆ Schedule for development of the PEIS and First Plan
  - ◆ Need for project solicitation
  - ◆ Criteria for project incorporation into RRP
  - ◆ Proposed RRP Management structure
  - ◆ RRP Program provides a programmatic framework to the NRDA Process
  - ◆ Benefits of the RRP Program
  - ◆ Potential of RRP Program

- ♦ Need to coordinate RRP Program development with parishes
- ♦ Issues Raised and Discussed
  - ♦ Overall support of the RRP concept
  - ♦ Interest in submitting projects
  - ♦ Need to be open to broad range of restoration
  - ♦ Concurrence on proposed coastal regions
  - ♦ Location of restoration projects relative to location of spill incidents