

DEPARTMENT OF THE INTERIOR

[FWS–R4–FHC–2014–N215;
FVHC98130406900–XXX–FF04G01000]

Deepwater Horizon Oil Spill; Record of Decision for the Final Programmatic and Phase III Early Restoration Plan and Early Restoration Programmatic Environmental Impact Statement

AGENCY: Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), notice is hereby given that the Federal and State natural resource trustee agencies (Trustees) have issued a Record of Decision (ROD) for the Final Programmatic and Phase III Early Restoration Plan and Early Restoration Programmatic Environmental Impact Statement (Final Phase III ERP/PEIS). The ROD documents decisions by the Trustees under OPA: (1) Selection of the Preferred Alternative for the Programmatic Early Restoration Plan; and (2) selection of 44 projects for the Final Phase III Early Restoration Plan, subject to completing remaining permitting and consultation requirements, as specifically identified in Section 9 of the ROD.

ADDRESSES: *Obtaining Documents:* You may download the ROD at <http://www.gulfspillrestoration.noaa.gov> or <http://www.doi.gov/deepwaterhorizon>. You may also view the ROD at any of the public repositories listed at <http://www.gulfspillrestoration.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Nanciann Regalado at 678–296–6805 (phone) or nanciann_regalado@fws.gov (email).

SUPPLEMENTARY INFORMATION:

Background

On April 20, 2011, BP Exploration & Production Inc. and the Trustees agreed to the Framework for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill (Framework Agreement), to provide up to \$1 billion toward early restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the *Deepwater Horizon* oil spill. The Framework Agreement represents a preliminary step toward the restoration of injured natural resources. The Framework Agreement is intended to expedite the start of restoration in the Gulf in advance of the completion of the injury assessment process. The Framework Agreement provides a mechanism through which the Trustees and BP can work together “to

commence implementation of early restoration projects that will provide meaningful benefits to accelerate restoration in the Gulf as quickly as practicable,” prior to the resolution of the Trustees’ natural resource damages claim.

The Trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- U.S. Department of Defense (DOD);¹
- U.S. Environmental Protection Agency (USEPA);
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator’s Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- For the State of Texas, Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

The Trustees considered hundreds of projects leading to the identification of a potential 28 future early restoration projects announced in the May 6, 2013 **Federal Register** notice (78 FR 26319). On June 4, 2013 (78 FR 33431), the Trustees announced their intent to prepare a Programmatic Environmental Impact Statement (PEIS) under OPA and NEPA to evaluate the environmental consequences of early restoration project types, as well as to propose a Phase III Early Restoration Plan to address injuries from the *Deepwater Horizon* oil spill that would include the 28 early restoration projects announced in the May 6, 2013, **Federal Register** notice and potentially additional early restoration projects. In accordance with NEPA, the Trustees conducted scoping to identify the concerns of the affected public, Federal agencies, States, and Indian tribes; to involve the public in the decision making process; to

¹ Although a trustee under OPA by virtue of the proximity of its facilities to the *Deepwater Horizon* oil spill, DOD is not a member of the Trustee Council and does not participate in Trustee decision-making.

facilitate efficient early restoration planning and environmental review; to define the issues and alternatives that would be examined in detail; and to save time by ensuring that draft documents adequately address relevant issues. A scoping process reduces paperwork and delay by ensuring that important issues are considered early in the decision making process. To gather public input, the Trustees hosted six public meetings and accepted written comment electronically and via U.S. mail during the scoping period.

A notice of availability of the Draft Programmatic and Phase III Early Restoration Plan and Draft Early Restoration Programmatic Environmental Impact Statement (Draft Phase III ERP/PEIS) was published in the **Federal Register** on December 6, 2013 (78 FR 73555). The Draft Phase III ERP/PEIS considered programmatic alternatives for early restoration and proposed alternatives for 44 early restoration projects in Phase III of early restoration consistent with the project types included in the proposed programmatic alternative. The Trustees provided the public with 75 days to review and comment on the Draft Phase III ERP/PEIS (including a 15-day extension of the original announced 60-day comment period). To facilitate public participation, the Trustees also held public meetings in Mobile, Alabama; Long Beach, Mississippi; Belle Chasse, Thibodaux, and Lake Charles, Louisiana; Port Arthur, Galveston, and Corpus Christi, Texas; and Pensacola, Florida. The Trustees considered the public comments received, which informed the Trustees’ analyses of programmatic alternatives and specific early restoration projects in the Final Phase III ERP/PEIS. A summary of the public comments received and the Trustees’ responses to those comments are found in Chapter 13 of the Final Phase III ERP/PEIS.

A notice of availability of the Final Phase III ERP/PEIS was published in the **Federal Register** on June 26, 2014 (79 FR 36328). The Final Phase III ERP/PEIS proposed early restoration programmatic alternatives and evaluated the potential environmental effects and cumulative effects of those alternatives. The Final Phase III ERP/PEIS also proposed 44 projects as described in the Final Phase III ERP/PEIS, totaling an estimated cost of approximately \$627 million.

Upon the completion of the Final Phase III ERP/PEIS, a Record of Decision

(ROD) has been prepared. The ROD documents decisions by the Trustees under OPA: (1) Selection of the Preferred Alternative for the Programmatic Early Restoration Plan; and (2) selection of 44 projects for the Final Phase III Early Restoration Plan, subject to completing remaining permitting and consultation requirements, as specifically identified in Section 9 of the ROD. The Trustees' selection of the 44 early restoration projects for the Final Phase III ERP/PEIS continues the process of using early restoration funding to restore natural resources, and ecological services, and to compensate for recreational use services injured or lost as a result of the *Deepwater Horizon* oil spill.

These projects are not intended to, and do not fully address all injuries caused by the spill or provide the extent of restoration needed to make the public and the environment whole. The Trustees anticipate that additional early restoration projects will be proposed as the early restoration process continues.

Administrative Record

An Administrative Record has been established and can be viewed electronically at <http://www.doi.gov/deepwaterhorizon/adminrecord/index.cfm>.

Authorities

The authorities for this action are the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), the implementing Natural Resource Damage Assessment regulations found at 15 CFR part 990, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and the Framework Agreement.

Debora L. McClain,

Deputy DOI Deepwater Horizon NRDAR Case Manager.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLES002000 L16100000 DP0000 LXSS051M0000]

Notice of Availability of the Southeastern States Draft Resource Management Plan and Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land

Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Draft Resource Management Plan (RMP) and Draft Environmental Impact Statement (EIS) for the Southeastern States Planning Area and by this notice is announcing the opening of the comment period.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Draft RMP/EIS within 90 days following the date the Environmental Protection Agency publishes its Notice of Availability of the Draft RMP/EIS in the **Federal Register**. The BLM will announce future meetings or hearings and any other public participation activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the Southeastern States Draft RMP and Draft EIS by any of the following methods:

- *Email:* SSFO_RMP@blm.gov.
- *Fax:* 601-977-5440.
- *Mail:* BLM Southeastern States

Field Office, 411 Briarwood Drive, Suite 404, Jackson, MS 39206.

Copies of the Southeastern States Draft RMP/EIS are available in the Southeastern States Field Office, at the above address, or may be viewed at http://www.blm.gov/es/st/en/fo/Jackson_Home_Page/planning/southeastern_rmp.html. A limited number of hard copies and DVD copies are available upon request while supplies last.

FOR FURTHER INFORMATION CONTACT: Gary Taylor, Planning and Environmental Coordinator, telephone 601-977-5413; address 411 Briarwood Drive, Suite 404, Jackson, MS 39206; email, gtaylor@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact Mr. Taylor during normal business hours. The service is available 24 hours a day, 7 days a week, to leave a message or question for Mr. Taylor. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The planning area for the Southeastern States Draft RMP/EIS includes the States of Arkansas, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and Virginia. The RMP will replace previous BLM plans including the Florida RMP (1995), the Arkansas Planning Analysis (2002), the Louisiana Planning Analysis (2002), and the Meadowood Farm (Virginia) Planning Analysis (2003).

Within the planning area, the decision-making scope of the RMP is limited to the decision area. The decision area includes 2,991 acres of BLM-administered surface land. In addition to BLM-administered surface land, the BLM is generally responsible for administration of Federal mineral estate, including mineral estate underlying other Federal agencies' lands.

Within the planning area there are approximately 19 million acres of Federal land ownership, including approximately 10.3 million acres administered by the U.S. Forest Service (USFS), 3.7 million acres by the National Park Service (NPS), 2.4 million acres by the U.S. Fish and Wildlife Service (USFWS), and 2.5 million acres by the Department of Defense (DOD). The RMP will not make mineral leasing decisions for USFS lands, except to say that leasing of mineral estate underlying National Forests would be conducted by the BLM consistent with USFS land use plans and leasing analyses. Within the planning area there are 28 National Forests, all of which are covered by existing Forest Plans. These plans include mineral leasing decisions where potential for mineral development was identified, and typically deferred mineral leasing decisions if there was no potential for mineral development. Forest Plans are revised, as needed; BLM is currently a Cooperating Agency on three Forest Plan revisions.

The BLM will not make mineral leasing decisions in this RMP for BLM mineral estate in areas identified as having no reasonably foreseeable development potential, based on Reasonably Foreseeable Development Scenario (RFDS) analyses completed by the BLM prior to the planning effort. Therefore, the decision area includes 742,505 subsurface acres where the surface is administered by other Federal agencies (mostly DOD, including the U.S. Army Corps of Engineers) and mineral development is reasonably foreseeable. The decision area also includes 280,680 acres of Federal mineral estate where the surface is non-Federal (i.e. State or local government, or private ownership).

The total decision area includes 1,026,176 acres of subsurface with BLM-administered surface on 2,991 of those acres. There is no decision area acreage in the states of Georgia, North Carolina, or South Carolina, as these states have no BLM-administered surface acreage and the RFDS showed no reasonably foreseeable development of Federal minerals in these states.

On October 8, 2008, the BLM issued a Notice of Intent in the **Federal**