

PUBLIC SUBMISSION

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Docket: NOAA-NMFS-2013-0034

Draft Damage Assessment and Restoration Plan/Environmental Assessment for the Tank Barge DBL 152 Oil Spill

Comment On: NOAA-NMFS-2013-0034-0001

Draft Damage Assessment and Restoration Plan/Environmental Assessment

Document: NOAA-NMFS-2013-0034-DRAFT-0007

Comment from Karolien Debusschere

Submitter Information

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Organization: Louisiana Oil Spill Coordinator's Office, on behalf of Louisiana Trustees

General Comment

See attached file(s)

Attachments

Ltr to NOAA_DARP_DBL_152_4_15_2013_Final[1]



Department of Public Safety and Corrections
Public Safety Services

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GOVERNOR

MICHAEL D. EDMONSON, COLONEL
DEPUTY SECRETARY, PUBLIC SAFETY SERVICES
SUPERINTENDENT, OFFICE OF STATE POLICE

April 15, 2013

VIA FAX

Chris Plaisted
NOAA/GCNR
501 W. Ocean Blvd.
Suite 4470
Long Beach, CA 90802

Re: Draft DARP/EA for Tank Barge DBL 152 Oil Spill

Dear Mr. Plaisted:

Louisiana's Natural Resource Trustees appreciate the opportunity to submit comments on the Draft Damage Assessment and Restoration Plan/Environmental Assessment (DARP/EA) for the Tank Barge DBL 152 Oil Spill (DBL 152 Incident). As you know, Louisiana's Natural Resource Trustees are the Louisiana Coastal Protection and Restoration Authority, Louisiana Oil Spill Coordinator's Office, Louisiana Department of Wildlife and Fisheries, Louisiana Department of Environmental Quality and the Louisiana Department of Natural Resources (Louisiana Trustees). The Louisiana Trustees work closely with the National Oceanic and Atmospheric Administration (NOAA) in responding to oil spills and conducting natural resource damage assessments for spills that impact Louisiana's unique and diverse natural resources.

We respectfully submit the following comments to the DBL 152 Incident DARP/EA:

Overlap with Deepwater Horizon Oil Spill

Since April of 2010, the Louisiana Trustees and NOAA (as well as several other state and federal natural resource trustees) have been working together in responding to and conducting a natural resource damage assessment (NRDA) for the Deepwater Horizon Oil Spill. In the DBL 152 Incident DARP/EA, NOAA states that while it considered the impacts of the Deepwater Horizon Oil Spill on the environment affected by the DBL 152 Incident, "NOAA concluded that there were likely few, if any, overlapping impacts between the two spills." The Deepwater Horizon Oil Spill is unprecedented in its scope and scale, including its duration, spatial extent, volume of oil spilled, and volume of oil still remaining in the environment. The NRDA for the

Deepwater Horizon Oil Spill is ongoing and may be ongoing for many years to come. Any conclusory statement by NOAA that limits potential overlapping impacts from these two spills is premature.

Longer-term Monitoring of Lingering Oil and Impacts

NOAA estimates in the DBL 152 Incident DARP/EA that “43, 491 bbls (1,826,622 gallons) of oil remained unrecovered at the time submerged oil cleanup operations were discontinued in January 2006.” That is, only a tiny fraction of the discharged oil was ever recovered, with almost 2 million gallons of oil left in the environment to continue interacting with and impacting natural resources. This unrecovered oil can create lingering and chronic adverse effects to those resources, which can in turn adversely affect the broader ecological system of the continental shelf of the northwestern Gulf of Mexico. The Louisiana Trustees would like to discuss with NOAA how to monitor the presence, amount, fate and any possible environmental impacts of oil from the DBL 152 Incident to the broader ecosystem, and if lingering oil is detected, how to remove it.

NOAA as Sole Trustee

NOAA states in the DBL 152 Incident DARP/EA that it is “the sole natural resource trustee for this Incident.” The Louisiana Trustees do not agree with this statement; rather, NOAA is the primary trustee coordinating the cooperative NRDA for the DBL 152 Incident. It seems that NOAA reaches its conclusion that it is the sole trustee based on its findings in the DARP/EA that the DBL 152 Incident occurred in Federal waters, based on NOAA's finding that no wildlife impacts were observed, and because to date, information on exposure to mobile organisms has been characterized by NOAA as “short-term” and “of low magnitude”. However, as mentioned above, the affected environment and any resources that may continue to be exposed to lingering oil are part of a broader ecological system, which may include resources over which the Louisiana Trustees share cotrusteeship with NOAA.

Consultation with and Consideration of Restoration Alternatives in Louisiana

During the offshore response to the DBL 152 Incident, NOAA periodically provided information to Louisiana Trustee representatives of Incident progress. However, the Louisiana Trustees were unaware that NOAA was drafting the DBL 152 Incident DARP/EA and were unaware that NOAA was only considering 7 restoration alternatives in the offshore environment and in Texas, from Galveston Bay to Sabine Lake. Both the capsizing and the allision location for the DBL 152 Incident happened east of the Texas border, south of Louisiana. The current affected environment, based on information collected to date, as depicted graphically throughout the DBL 152 Incident DARP/EA, is likewise south of Louisiana and east of the Texas border. The Louisiana Trustees respectfully request that NOAA consider restoration alternatives in Louisiana that likewise meet evaluation criteria set forth in the Oil Pollution Act, and that have a stronger geographic nexus to the injured area than the restoration alternatives currently under consideration by NOAA.

The Louisiana Trustees agree with NOAA’s statement in the DBL 152 Incident DARP/EA that the affected environment is part of a larger ecological system, and that

appropriate restoration opportunities within that system include inshore estuarine areas that provide nursery habitat for many species inhabiting the continental shelf. The Louisiana Trustees also agree with NOAA's statement in the DARP/EA that shoreline protection and marsh creation projects have successfully provided improved ecological services in a cost effective manner in the past. NOAA should consider projects in Louisiana that have a similar ecological nexus to the injured habitat, but that may be farther along in engineering and design than the "preliminary design concept" of the preferred restoration alternative. This may allow NOAA to achieve restoration of the affected environment faster.

The Louisiana Trustees appreciate NOAA's consideration of these comments.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized initial 'D' followed by several cursive letters, likely 'DeLu'.

Deputy Oil Spill Coordinator
On behalf of the Louisiana Trustees