Document ID Number: 2226
AR: LA Regional Rest. Plan. Prog. .
Title: NMFS/DARP June 19,2003 [letter to] EFH/HCD/NMFS ...Reference: LRRPP/ DPEIS - EFH Consultation Review

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
Damage Assessment and Restoration Program

June 19, 2003

Rickey Ruebsamen
Essential Fish Habitat Coordinator
Habitat Conservation Division
National Marine Fisheries Service
9721 Executive Center Drive North
St. Petersburg, Florida 33702-2432

Reference: Louisiana Regional Restoration Planning Program/Draft Programmatic Environmental Impact Statement (DPEIS) – EFH Consultation review

Dear Mr. Ruebsamen:

The National Oceanic and Atmospheric Administration, in cooperation with the U.S. Department of the Interior and the Louisiana Oil Spill Coordinator's Office, Office of the Governor, and with the assistance of the Louisiana Department of Wildlife and Fisheries, Louisiana Department of Environmental Quality; Louisiana Department of Natural Resources; has prepared the attached draft programmatic environmental impact statement (DPEIS) that examines the potential effects of the statewide comprehensive Louisiana Regional Restoration Planning Program (RRP Program).

The RRP Program is structured to assist the natural resource trustees in carrying out their responsibilities for discharges or substantial threats of discharges of oil. The objective of this initiative is to establish an institutional framework and procedures that will enable the trustees to select and implement projects that compensate the public and environment for losses of natural resources and services from unauthorized discharges or substantial threat of discharges of oil in an efficient and predictable manner. In addition, the RRP Program seeks to provide increased flexibility to the trustees and the responsible parties relative to the mechanisms through which Natural Resource Damage Assessment cases are settled.

The DPEIS identifies the statewide RRP Program structure, the decision-making process, and the criteria that will be used to select the restoration project(s) that restore the natural resources injured by a given incident. The RRP Program will be jointly administered and used by the trustees to assist in carrying out their natural resource trust mandates under the OPA and OSPRA. This DPEIS does not grant approval for the implementation of any particular project at any specific site.

After an oil spill incident occurs, a damage assessment and restoration planning process will be undertaken. Specific restoration projects that compensate for injuries to natural resources will be detailed in a draft Damage Assessment and Restoration Plan (DARP) and the project plans will then be subject to permit review by the United States Army

Printed on Recycled Paper

Corps of Engineers (USACE). For those activities where the USACE determines that the proposed work may affect a species or critical habitat, an EFH consultation will be sought. To expedite and better coordinate the EFH consultation, each draft DARP will include an EFH assessment. In the event a letter of concurrence is issued by the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS), the letter will be included as an appendix in the back of the final DARP and the project will be implemented as designed. If a letter of concurrence is not issued, the project will either be modified in the final DARP to address the concerns of NMFS or an alternative project will be selected.

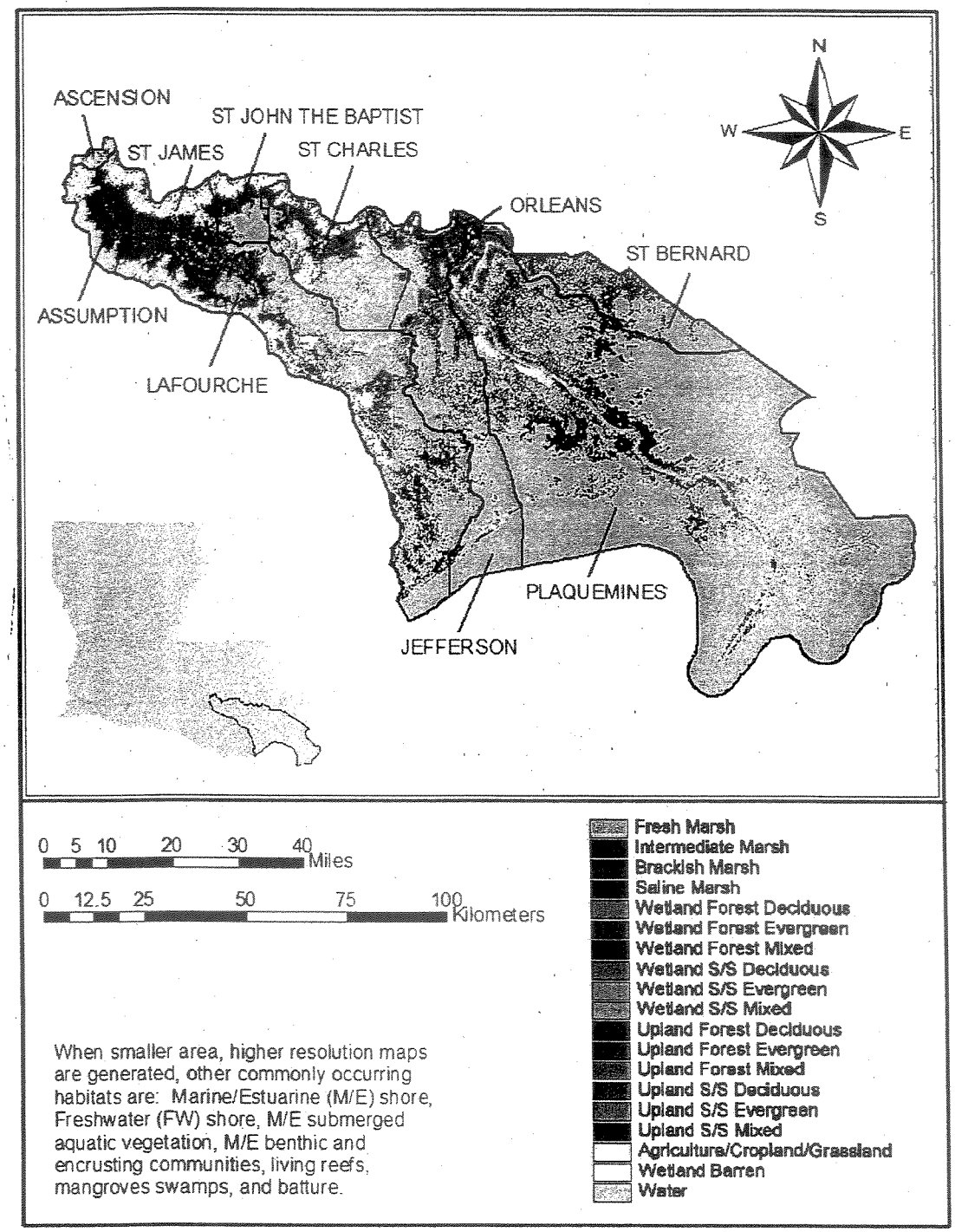
As mentioned above, the attached DPEIS does not address individual project impacts. Instead, this document describes the cumulative impacts of three programmatic alternatives: (1) A "No Action" alternative; (2) the statewide comprehensive Louisiana RRP Program; and (3) the other programmatic alternative that was considered prior to formal scoping (but not carried forward) of solely drafting regional restoration plans.

We request that NMFS review the enclosed copy of the DPEIS, specifically the sections pertaining to EFH (Appendix C), and provide comments by July 9, 2003 to allow NOAA proper time to address and incorporate the comments into the Final PEIS. In addition to the DPEIS, we will be glad to provide any additional information that you may find necessary for your deliberations. If you have any questions, please address them to Ann Berger, National Oceanic and Atmospheric Administration, Office of General Counsel, 1305 East – West Highway, N/ORCA x1 SSMC4, Silver Spring, MD 20910 or at (301) 713-3038 x192 or Karolien Debusschere, Louisiana Oil Spill Coordinators Office, Office of the Governor, 150 Third Street, Suite 405, Baton Rouge, Louisiana 70801.

Sincerely,

John Iliff
Southeast Region Team Leader
Damage Assessment and Restoration Program

Attachment



When smaller area, higher resolution maps are generated, other commonly occurring habitats are: Marine/Estuarine (M/E) shore, Freshwater (FW) shore, M/E submerged aquatic vegetation, M/E benthic and encrusting communities, living reefs, mangroves swamps, and batture.