

Deepwater Horizon Oil Spill



Coastal Protection and Restoration Authority
September 17, 2014



Clean Water Act (CWA)

Update

Clean Water Act Overview

- CWA regulates the discharge of pollutants into U.S. waters
- Fines range up to \$1,100 per barrel of oil spilled on a finding of negligence to \$4,300 per barrel of oil spilled on a finding of gross negligence.
- Under RESTORE Act, 80% of DWH CWA civil and administrative penalties are directed into the Gulf Coast Ecosystem Restoration Trust Fund

CWA Trial Phases

Phase I: February 2013

- Addressed liability of each of the parties and issues of gross negligence

Phase II: September 2013

- Addressed the amount of oil spilled/containment efforts

Penalty Phase (Phase III): January 2015

- Will address amount of civil penalties based on factors listed in the CWA

Key Findings in Phase One

- Trial Court's ruling was issued on September 4, 2014
- BP was “grossly negligent” and engaged in “willful misconduct”
- Potential maximum CWA civil penalty is \$4,300 per barrel of oil spilled

What the Phase One Ruling Does Not Address

- Not a finding of liability for actions *following* the spill
- Not a decision regarding Natural Resource Damage claims under the Oil Pollution Act (OPA)
- Not a final determination of the amount of the CWA civil penalties

Next Steps in CWA Trial

- Phase I: BP will likely seek to appeal the trial court's ruling
- Phase II: Awaiting the ruling on the amount of oil discharged/containment efforts
- Penalty Phase (Phase III): Trial begins January 2015; Determination of CWA penalties

Natural Resource Damage Assessment

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Early Restoration

Early Restoration

Phase I

- 4/18/12
- \$62m

Phase II

- 12/21/12
- \$9m

Phase III

- 6/26/14
- \$627m

Phase I
Early Restoration
Project Update

Lake Hermitage Marsh Creation



Louisiana Oyster Cultch Project



Cultch Placements:

SPRING 2012

- Hackberry Bay
- Sister Lake

FALL 2012

- Lake Fortuna
- South Black Bay

SPRING 2013

- 3-Mile Bay
- Drum Bay

Oyster Hatchery Facility

- Construction underway



Louisiana Oyster Hatchery



Early Restoration Phase III

Louisiana Outer Coast Restoration Project



Louisiana Marine Fisheries Enhancement Research and Science Center



Early Restoration Phase III

- Final Programmatic and Phase III Early Restoration Plan and Draft Early Restoration Programmatic Environmental Impact Statement may be found at:
 - www.LOSCO-DWH.com
- Next steps

Response Update

Current Status

- **Middle Response**
- **Long-term Monitoring**

Grand Terre Islands



Grand Terre II



West Timbalier Island



West Timbalier Island



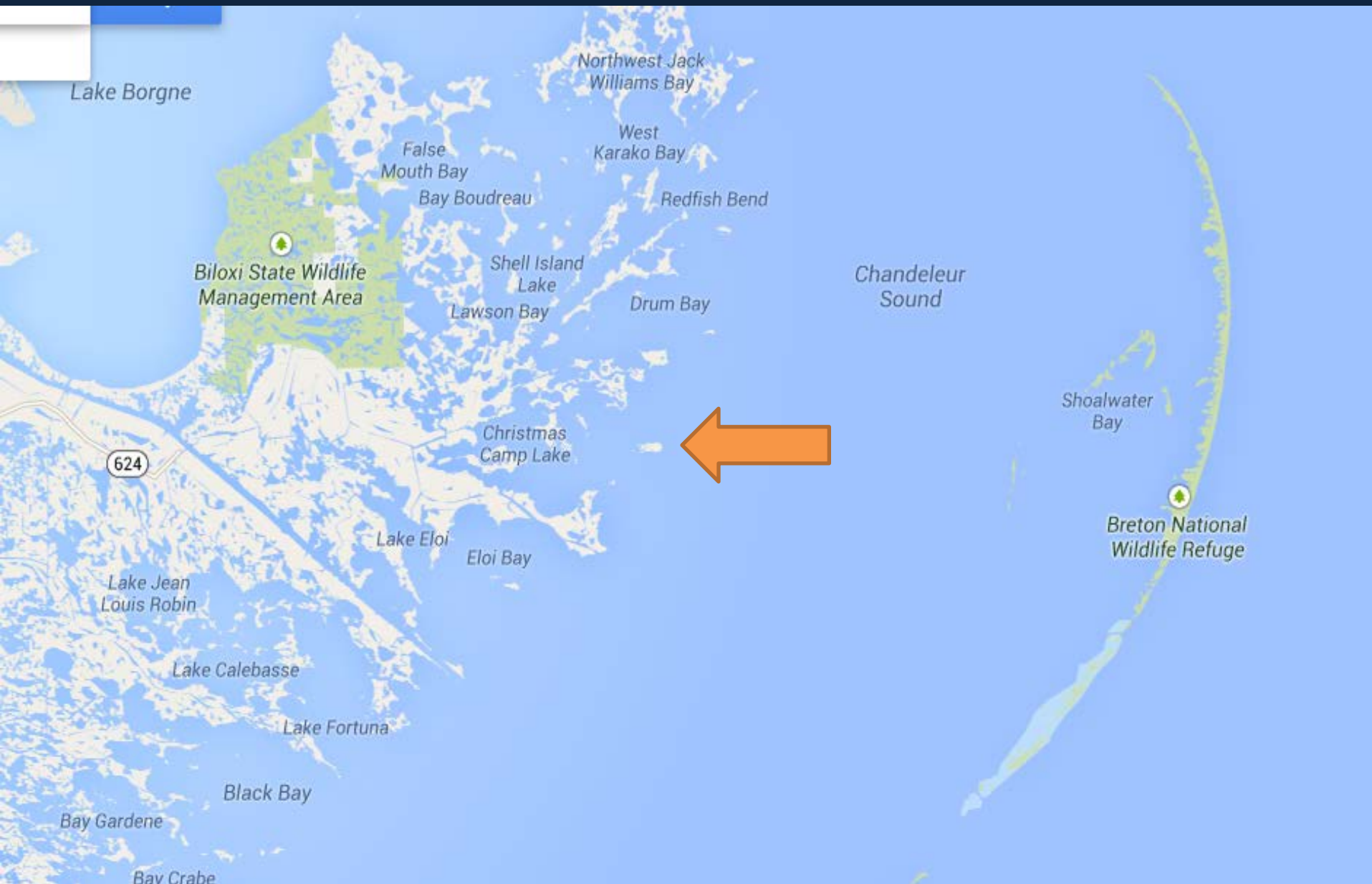
Middle Ground



Middle Ground



Comfort Island



Comfort Island



Northern Barataria Bay



Northern Barataria Bay



Questions?