

# Potpourri

## POTPOURRI

### Department of Agriculture and Forestry Horticulture Commission

#### Retail Floristry Examination

The next retail floristry examinations will be given January 22-26, 2007, at 9:30 a.m. in the Nelson Memorial Building, Louisiana State University Campus, Baton Rouge, LA. The deadline for sending in application and fee is December 8, 2006. No applications will be accepted after December 8, 2006.

Further information pertaining to the examinations may be obtained from Craig Roussel, Director, Horticulture Commission, Box 3596, Baton Rouge, LA 70821-3596, phone (225) 952-8100.

Any individual requesting special accommodations due to a disability should notify the office prior to December 8, 2006. Questions may be directed to (225) 952-8100.

Bob Odom  
Commissioner

0611#025

## POTPOURRI

### Office of the Governor Oil Spill Coordinator's Office

#### Final Settlement Agreement North Pass Crude Oil Discharge

**Action:** Notice of Availability of a Final Settlement Agreement.

**Agencies:** Louisiana Oil Spill Coordinator's Office, Office of the Governor (LOSCO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); Louisiana Department of Wildlife and Fisheries (LDWF); National Oceanic and Atmospheric Administration (NOAA); and United States Department of the Interior (USDOI), which is represented by the U.S. Fish and Wildlife Service (USFWS).

**Authorities:** The Oil Pollution Act of 1990 (OPA) (33 USC 2701 et seq.) and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA) (R.S. 30:2451 et seq.) are the principal federal and state statutes, respectively, authorizing federal and state agencies and tribal officials to act as natural resource trustees for the recovery of damages for injuries to trust resources and services resulting from oil-spill incidents in Louisiana. In accordance with OPA and OSPRA, the agencies listed above (hereafter referred to as the "Trustees") have conducted a Natural Resource Damage Assessment (NRDA) for the September 22, 2002 discharge of crude oil into a coastal marsh located along North Pass in the Mississippi River delta, Plaquemines Parish, Louisiana (hereafter referred to as the "incident").

**Summary:** Notice is hereby given that a document entitled "North Pass Settlement Agreement" (hereafter referred to as the "Final Settlement Agreement") is final and available to the public as of October 20, 2006. This document has been agreed to by Devon Louisiana Corporation (Devon) and the Trustees to address natural resources damage claims associated with the incident. On June 20, 2003, the Trustees published a Notice of Intent (NOI) to conduct restoration planning for the incident in the *Louisiana Register* (Vol. 29, No. 06, pp. 1029-1030) to develop restoration alternatives that will restore, replace, rehabilitate, or acquire the equivalent of natural resources injured and/or natural resource services lost as a result of the incident. On June 20, 2005, the Trustees published a Notice of Availability of a Final Damage Assessment and Restoration Plan/Environmental Assessment (Final DARP/EA) in the *Louisiana Register* (Vol. 31, No. 06, p. 1434), which identifies the natural resources and services that were determined to be injured by the incident, describes the assessment procedures used to quantify injury, outlines the scaling techniques and restoration alternative selection process, and presents the finalized plan to restore, replace, or acquire resources or services equivalent to those lost as a basis for compensating the public for injuries to natural resources and services resulting from the incident. The Final Settlement Agreement and its attachment, the Restoration Implementation and Monitoring Plan (RIMP), describe the agreement between Devon and the Trustees to settle natural resource damage claims in the State of Louisiana for the incident and identify the performance criteria, construction schedule, performance monitoring, and reporting requirements for the Octave Pass crevasse splay compensatory restoration project to be constructed along the southern bank of Octave Pass in the Delta National Wildlife Refuge, Plaquemines Parish, Louisiana. By signing the Final Settlement Agreement, Devon has agreed to pay all costs associated with the implementation of the Final DARP/EA.

Interested members of the public are invited to view the Final Settlement Agreement and RIMP via the internet at <http://www.losco.state.la.us> (look under News Flash for North Pass Oil Spill) or by requesting a copy of the documents from Chuck Armbruster at the address given below:

Charles K. Armbruster  
Louisiana Oil Spill Coordinator's Office,  
150 Third Street, Suite 405  
Baton Rouge, LA 70801

**For Further Information:** Contact Chuck Armbruster at (225) 219-5800, or by email at [charles.armbruster@la.gov](mailto:charles.armbruster@la.gov).

Roland Guidry  
Oil Spill Coordinator

0611#044

## POTPOURRI

### Office of the Governor Oil Spill Coordinator's Office

Restoration Planning—Plaquemines Parish  
Breton Island Oil Spill

#### Purpose

The Louisiana Oil Spill Coordinator's Office/Office of the Governor (LOSCO) as the trustee coordinator for the State of Louisiana, in consultation and agreement with the state natural resource trustees, namely the Louisiana Department of Environmental Quality (LDEQ), the Louisiana Department of Natural Resources (LDNR), the Louisiana Department of Wildlife and Fisheries (LDWF); and the federal natural resource trustee, the U.S. Department of the Interior (DOI), represented by the U.S. Fish and Wildlife Service (USFWS); have determined that the impacts of the discharge of crude oil from a Hess Corporation (formerly Amerada Hess Corporation) offshore platform, over which such trustees have jurisdiction, warrant conducting a natural resource damage assessment that will include restoration planning.

#### Site and Release Information

On or about June 12, 2005, a storage tank on an offshore platform located in Breton Sound Block 51, owned and operated by Hess Corporation, discharged an estimated 12 barrels of crude oil into Breton Sound, Plaquemines Parish, Louisiana. An undetermined amount of critical sandy beach nesting habitat, black mangrove marsh, and fauna inhabiting West Point Breton Island may have been exposed to crude oil as a result of this discharge. The trustees have determined that Hess Corporation is the Responsible Party (RP) for this incident pursuant to the Oil Pollution Act of 1990 ("OPA"), 33 U.S.C. §2701 *et seq.* and the Louisiana Oil Spill Prevention and Response Act (OSPR) R.S. 30:2451 *et seq.*

Breton National Wildlife Refuge is located within the Breton Sound. Breton Sound and the remaining barrier islands serve as the remnants of the St. Bernard River Delta. It is comprised of soft organic sediment and sand. Tidal amplitude is small and often driven primarily by wind. Breton Sound and the Breton Island Complex are critical nursery habitat for numerous species and provide many other ecological services.

Aquatic organisms present include, but are not limited to, finfish, crustaceans, and shellfish. Wildlife species that may be present in the Breton Sound area include, but are not limited to, resident and migratory birds, furbearers, aquatic mammals, and turtles. Some of the species that may be present have threatened or endangered status.

Feasible compensatory restoration actions exist to address injuries from this incident. Restoration actions that could be considered include, but are not limited to, replanting native wetland vegetation in appropriate areas, and creation, enhancement or protection of marsh to re-establish brown pelican resting, nesting, and roosting habitat.

#### Authorities

The trustees are designated pursuant to 33 U.S.C. §2706(b), Executive Order 12777, and the National Contingency Plan, 40 C.F.R. §§300.600 and 300.605. Pursuant to R.S. 30:2460, the State of Louisiana Oil Spill Contingency Plan, September 1995, describes state trust

resources, including the following: vegetated wetlands, surface waters, ground waters, air, soil, wildlife, aquatic life, and the appropriate habitats on which they depend. The DOI, through the involvement of the USFWS, is trustee for natural resources described within the National Contingency Plan, 40 C.F.R. §300.600(b)(2) and (3), which include the following and their supporting ecosystems: migratory birds, anadromous fish, endangered species and marine mammals, federally owned minerals, certain federally managed water resources, and natural resources located on, over, or under land administered by DOI.

#### Trustees' Determinations

Following the notice of the discharge, the trustees have made the following determinations required by 15 C.F.R. §990.41(a):

The natural resource trustees have jurisdiction to pursue restoration pursuant to the Oil Pollution Act (OPA), 33 U.S.C. §§2702 and 2706(c) and the OSPRA, R.S. 30:2451, *et seq.* The trustees have further determined that the discharge of crude oil into the Breton Sound area on or about June 12, 2005 was an incident, as defined in 15 C.F.R. §990.30 and the State NRDA Regulations at LAC 43:XXIX.109.

This discharge was not permitted under state, federal, or local law.

This discharge was not from a public vessel.

This discharge was not from an onshore facility subject to the Trans-Alaska Pipeline Authority Act, 43 U.S.C. §1651, *et seq.*

Natural resources under the trusteeship of the natural resource trustees listed above may have been injured as a result of the incident. The crude oil discharged contains components that may be toxic to aquatic organisms, birds, wildlife and vegetation. Vegetation, birds, and aquatic organisms may have been exposed to the oil from this discharge, and mortalities to some flora and fauna and lost ecological services may have resulted from this incident.

Because the conditions of 15 C.F.R. §990.41(a) were met, as described above, the trustees made the further determination pursuant to 15 C.F.R. §990.41(b) and LAC 43:XXIX.101 to proceed with preassessment. Hess Corporation, at the invitation of the trustees, agreed to participate in the preassessment, pursuant to 15 C.F.R. §990.14(c) and LAC 43:XXIX.115.

#### Determination to Conduct Restoration Activities

For the reasons discussed below, the natural resource trustees have made the determinations required by 15 C.F.R. §990.42(a) and are providing notice pursuant to 15 C.F.R. §990.44 and LAC 43:XXIX.123 that they intend to conduct restoration planning in order to develop restoration alternatives that will restore, replace, rehabilitate, or acquire the equivalent of natural resources injured and/or natural resource services lost as a result of this incident.

Injuries have resulted from this incident, the extent of which has not been fully determined at this time. The trustees base this determination upon data, which is collected and analyzed pursuant to 15 C.F.R. §990.43 and LAC 43:XXIX:119, which demonstrate that resources and services have been injured from this incident. Natural resources and natural resource services injured or lost as a result of the discharge and the response may include, but are not limited to, aquatic organisms, infauna, birds, vegetation,

benthic communities, water quality, fish and wildlife, and recreational use opportunity.

The nature of the discharge and the sensitivity of the environment precluded prevention of some injuries to natural resources. The trustees believe that injured natural resources could eventually return to baseline through natural or enhanced recovery, but interim losses have occurred and will continue to occur until a return to baseline is achieved.

Feasible compensatory restoration actions exist to address injuries from this incident. Restoration actions that could be considered include, but are not limited to bird enhancement, barrier feature beach and dune creation or enhancement, replanting native dune or wetland vegetation in appropriate areas, and creation, enhancement or protection of marsh.

Assessment procedures are available to evaluate the injuries and define the appropriate type and scale of restoration for the injured natural resources and services. Among these procedures are habitat injury assessment studies to be used in conjunction with the Habitat Equivalency Analysis, to determine compensation for injuries to marsh habitat. Models, comparisons to observations of injury resulting from similar releases, and/or other methodologies are available for evaluating injuries to the ecosystem.

**Public Involvement**

Pursuant to 15 C.F.R. §990.44(c) and LAC 43:XXIX.135, the trustees seek public involvement in restoration planning for this discharge, through public review of and comments on the documents contained in the administrative record, which is maintained in the Louisiana Oil Spill Coordinator's Office, as well as on the Draft Damage Assessment and Restoration Plan when completed.

For more information, please contact the Louisiana Oil Spill Coordinator's Office, State Office Building, 150 3rd Street, Suite 405, Baton Rouge, LA, 70801; phone (225) 219-5800 (Attn: Oil Spill/Gina Muhs Saizan); gina.saizan@la.gov.

The Louisiana Oil Spill Coordinator, as the Lead Administrative trustee, and on behalf of the natural resource trustees of the State of Louisiana and USDOJ/USFWS, pursuant to the determinations made above and in accordance with 15 C.F.R. §990.44(d) and LAC 43:XXIX.135, hereby provides Hess Corporation this notice to conduct restoration planning and invites their participation in conducting the restoration planning for this incident.

Roland J. Guidry  
Louisiana Oil Spill Coordinato

0611#045

**POTPOURRI**

**Department of Natural Resources  
Office of Conservation**

**Orphaned Oilfield Sites**

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

| Operator                   | Field             | District | Well Name            | Well Number | Serial Number |
|----------------------------|-------------------|----------|----------------------|-------------|---------------|
| Emerald Oil Co.            | Tigre Lagoon      | L        | Landry-Meaux         | 1           | 115607        |
| Brooks and Lee             | Caddo Pine Island | S        | Pardue Christian     | 6           | 098238        |
| Scogin Exploration Inc.    | Bayou San Miguel  | S        | Archie M Simon et al | 1           | 161937        |
| C L Morris Inc.            | Caddo Pine Island | S        | Fuller Pat 2SF       | 2-7         | 132732        |
| C L Morris Inc.            | Caddo Pine Island | S        | Fuller Pat 2SF       | 2-3         | 132729        |
| Energy Exploration Company | Tew Lake          | M        | Finley-Trichell      | 1           | 198579        |

James H. Welsh  
Commissioner

0611#023

**POTPOURRI**

**Department of Natural Resources  
Office of the Secretary  
Fishermen's Gear Compensation Fund**

**Loran Coordinates**

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 8 claims in the amount of \$30,354.81 were received for payment during the period October 1, 2006-October 31, 2006.

There were 7 claims paid and 1 claim denied.

Loran Coordinates of reported underwater obstructions are:

|       |       |           |
|-------|-------|-----------|
| 28552 | 46878 | Jefferson |
|-------|-------|-----------|

Latitude/Longitude Coordinates of reported underwater obstructions are:

|          |          |             |
|----------|----------|-------------|
| 2906.640 | 9057.990 | Terrebonne  |
| 2913.250 | 8959.670 | Terrebonne  |
| 2916.080 | 9003.230 | Jefferson   |
| 2925.097 | 8959.484 | Jefferson   |
| 2930.286 | 8927.806 | St. Bernard |
| 2930.581 | 8928.892 | Jefferson   |
| 2938.410 | 8922.281 | St. Bernard |

A list of claimants and amounts paid can be obtained from Verlie Wims, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call (225) 342-0122.

Scott A. Angelle  
Secretary

0611#026

## POTPOURRI

### Department of Public Safety and Corrections State Uniform Construction Code Council

Public Hearing—Proposed Changes  
to Uniform Construction Code  
(LAC 55:VI.Chapters 1-11)

In accordance with the provisions of R.S. 49:968(H)(2), the Louisiana State Uniform Construction Code Council will hold a public hearing:

Date: Wednesday, December 20, 2006

Time: 10:00 a.m.

Location: State Fire Marshal's Building, large conference room  
8181 Independence Boulevard, Baton Rouge

Anyone wishing to obtain further information regarding this public hearing may contact Paeton Burkett at (225) 925-4925.

Below are the proposed changes to the Notice of Intent published in the September 20, 2006 edition of the *Louisiana Register* on pages 1704-1709.

#### §301. Louisiana State Uniform Construction Code

A.3. International Residential Code, 2006 Edition, not including Parts I-Administrative, V-Mechanical, VII-Plumbing and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. Appendix J, Existing Buildings and Structures, is also included for mandatory regulation. For purposes of this Part, Section R301.2.1.1 of the 2003 edition of the International Residential Code is hereby specifically adopted in lieu of the 2006 edition and shall be effective until January 1, 2008. Furthermore, IRC R301.2.1.1 (Design Criteria) shall be amended as follows and shall only apply to the International Residential Code:

a. amendment of R301.2.1.1 (Design Criteria);

b. item 6, the American Concrete Institute, *Guide to Concrete Masonry Residential Construction in High Winds Areas*, shall be added;

c. item 7, Institute for Business & Home Safety, *Optional Code-plus Fortified for Safer Living*, shall be added;

d. item 8, Federal Alliance for Safe Homes, *Optional Code-plus Blueprint for Safety*, shall be added.

#### §501. General

A. Effective January 1, 2007, all municipalities and parishes shall enforce the Louisiana State Uniform Construction Code. Municipalities and parishes may establish agreements with other governmental entities or registered and certified third party providers to issue permits and enforce the state uniform construction code. No municipality or parish shall require that residential building plans for one and two family dwellings be prepared or stamped by a licensed architect or engineer if the dwelling falls within the prescriptive codes of the Louisiana State

Uniform Construction Code, except as required by Chapter 12 of the Louisiana State Plumbing Code.

#### §503. Farm or Recreational Structures

B. Exemptions to State Uniform Construction Code

1. The governing authority of a parish or municipality may not enforce the Louisiana State Uniform Construction Code pertaining to the construction or improvement of a farm structure or private outdoor recreational structure. For private outdoor recreational structures only, the property owner of record, in applying for an exemption, shall execute an affidavit attesting to the structure's exempt status. The affidavit shall be filed into the parish conveyance records.

#### §703. Classifications and Required Certifications for Municipal or Parish Building Code Enforcement

B. Definitions

*Building Official*—the BCEO employed and charged by a public entity with the administration and enforcement of the Louisiana State Uniform Construction Code (LSUCC).

C.2.b.v. Commercial Energy Requirements—shall be enforced by the Office of the State Fire Marshal.

#### §901. Employment after January 1, 2007

A. Upon employment by a parish, municipality, or other political subdivision, an individual must be granted a provisional certificate of registration without certification by a recognized code organization or testing agency, provided that such individual is under the supervision of a registered code enforcement officer who is certified by the International Code Council. This provisional certificate of registration is valid for 12 months. Residential plan reviewers shall be granted an additional 12 month provisional certificate of registration commencing on the date of the first ICC residential plans examiner test. Thereafter, anyone renewing this Certificate of Registration shall satisfy the certification requirement(s) as set forth in §703.

#### §905. Third Party Providers

A. Third party providers obtaining a certificate of registration after January 1, 2007 shall be granted a 12 month provisional certificate of registration without certification by a recognized code organization. Additionally, effective January 1, 2007, third party providers who were registered with the Louisiana State Uniform Construction Code Council prior to July 1, 2006 shall be granted a provisional certificate of registration for up to 36 months. Thereafter, any third party provider renewing this Certificate of Registration shall satisfy the certification requirement(s) as set forth in §703.

Jill Boudreaux  
Acting Undersecretary

0611#022