

SECRETARY OF STATE
STATE OF LOUISIANA



R. KYLE ARDOIN
SECRETARY OF STATE

P.O. Box 94125
BATON ROUGE, LA 70804-9125

January 17, 2020

The Honorable Page Cortez
President of the Senate
P.O. Box 94183
Baton Rouge, LA 70804

Via email:
apa.senatepresident@legis.la.gov

The Honorable Clay Schexnayder
Speaker of the House
P.O. Box 94062
Baton Rouge, LA 70804

Via email:
apa.housespeaker@legis.la.gov

Senate and Governmental Affairs Committee
P.O. Box 94183
Baton Rouge, LA 70804

Via email:
apa.s-s&g@legis.la.gov

House and Governmental Affairs Committee
P.O. Box 94062
Baton Rouge, LA 70804

Via email:
apa.h-hg@legis.la.gov

Dear President Cortez and Speaker Schexnayder:

The Louisiana Department of State hereby submits the following summary report required by Act 454 of the 2018 Regular Session of the Louisiana Legislature, codified as La. R.S. 49:953(C)(2), and in accordance with La. R.S. 49:968(D)(1)(b).

The Louisiana Department of State held the public hearing required by Act 454 on December 16, 2019, as stated in the Potpourri published in the Louisiana Register on November 20, 2019. Interested persons were provided an opportunity to submit comments to the Louisiana Department of State regarding any rule or regulation of the Louisiana Department of State which the person believed to be contrary to law, outdated, unnecessary, overly complex, or burdensome. The Louisiana Department of State received no written comments during the comment period as stated in the Potpourri, nor did the Louisiana Department of State receive any oral or written comments at the hearing.

A copy of the summary report will be placed on the Louisiana Department of State's website in accordance with La. R.S. 49:968(D)(1)(c). If you have any questions or need additional information, please contact me at (225) 362-5115 or via email at ray.wood@sos.la.gov.

Sincerely,

A handwritten signature in blue ink that reads "Ray Wood". The signature is written in a cursive style with a large initial "R".

Ray Wood
Attorney

Enclosure: Potpourri published November 20, 2019
Sign-in sheet from public hearing held December 16, 2019

Department of State
 ACT 454 Administrative Rules Hearing
 December 16, 2019 Sign In Sheet

Name	Organization	Phone Number	Email	Address
Carrie F Martin	Sec of State	225-925-7552	carrie.martin@sos.la.gov	3851 Essen Ln. BR, 70809
Catherine Newsome	SOS	(225) 362-5229	catherine.newsome@sos.la.gov	↑ same 8585 Archives Ave
Ray Wood	SOS	225-362-5115	ray.wood@sos.la.gov	8585 Archives Ave
Suzette Crocker	SOS-OSC	225-342-0500	suzette.crocker@sos.la.gov	100 North Blvd. BR, LA 70801

3. information needed to design or implement anticipated assessment activities as part of the Restoration Planning Phase. Activities included, among other things, collection and review of response information and drone imagery, conducting a Trustee site visit to collect qualitative, quantitative and observational data about oiled habitats and wildlife, and oil sample collection.

Under the NRDA regulations applicable to OPA and OSPRA, the trustees prepare and issue a Notice of Intent to Conduct Restoration Planning (NOI) if they determine conditions that confirm the jurisdiction of the trustees and the appropriateness of pursuing restoration of natural resources have been met. This NOI announces that the trustees have made the determination to proceed with restoration planning to evaluate, assess, quantify, and develop plans for restoring, rehabilitating, replacing, and/or acquiring the equivalent of injured natural resources and losses resulting from the incident. The restoration planning process will include collection of information that the trustees determine is appropriate for identifying and quantifying the injuries and losses of natural resources, including services, and to determine the need for, and the type and scale of restoration alternatives.

Determinations Determination of Jurisdiction: The trustees have made the following findings pursuant to 15 CFR §990.41 and LAC 43:XXIX.101:

1. The incident resulted in the discharge of oil into or upon navigable waters of the United States. Such occurrence constitutes an “incident” within the meaning of 15 CFR §930.30.

2. The incident was not authorized under a permit issued pursuant to federal, state, or local law; was not from a public vessel; and was not from an onshore facility subject to the Trans-Alaska Pipeline Authority Act, 43 USC §1651, et seq.

3. Natural resources under the trusteeship of the trustees have been injured as a result of the incident.

As a result of the foregoing determinations, the trustees have jurisdiction to pursue restoration under OPA and OSPRA.

Determination to Conduct Restoration Planning: The trustees have determined pursuant to 15 CFR §990.42(a) that:

1. Data collected pursuant to 15 CFR §990.43 demonstrate that injuries to natural resources have resulted from the incident, as described above.

2. The response actions did not adequately address the injuries resulting from the incident.

3. Feasible primary and/or compensatory restoration actions exist to address injuries from the incident.

Based upon the foregoing determinations, the trustees intend to proceed with restoration planning for this incident.

Determination to Utilize Expedited Assessment Procedure to Assess Injury: The trustees have made the following findings pursuant to R.S. 30:2480 and LAC 43:XXIX.121.H.4:

1. The incident involved an unauthorized discharge of crude oil, or other oil that in the sole discretion of the

trustees interacts with the environment in a manner similar to crude oil.

2. The incident occurred in the Louisiana coastal area, with oiling conditions and/or response activities as described at LAC 43:XXIX.121.H.4, impacting coastal herbaceous wetland or coastal forested wetland.

3. The incident has limited observable mortality.

4. Restoration activities can be speedily initiated and/or the quantity of oil discharged does not exceed one thousand gallons.

Based upon the foregoing findings, the trustees have determined that utilization of the compensation schedule found at LAC 43:XXIX.121.H.4 and allowed by 15 CFR §990.27(b)(1)(iii) is appropriate. The purpose of utilizing this expedited assessment procedure is to allow prompt initiation of restoration, rehabilitation, replacement, and/or acquisition of an equivalent natural resource without lengthy analysis of the impact on affected natural resources. Rev. Stat. 30:2480.

Public Participation The trustees invite the public to participate in restoration planning for this incident. Public participation in decision-making is encouraged and will be facilitated through a publically available AR (described above) and publication of public notices in the *Louisiana Register*. Opportunities to participate in the process will be provided by the trustees at important junctures throughout the planning process and will include requests for input on restoration alternatives and review of planning and settlement documents. Public participation is consistent with all state and federal laws and regulations that apply to the NRDA process, including Section 1006 of OPA, 33 U.S.C. §2706; the regulations for NRDA under OPA, 15 C.F.R. Part 990; Section 2480 of OSPRA, R.S. 30:2480; and the regulations for NRDA under OSPRA, LAC 43vXXIX, Chapter 1.

For Further Information: For more information please contact the Louisiana Oil Spill Coordinator’s Office, P.O. Box 66614, Baton Rouge, LA 70896, (225) 925-6606 Attn: Gina Muhs Saizan.

Marty J. Chabert
Oil Spill Coordinator

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POTPOURRI

Department of State

Notice of Public Hearing

Under the authority of Act No. 454 of the 2018 Regular Session of the Louisiana Legislature, codified as R.S. 49:953(C)(2), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Department of State gives notice that a public hearing will be held at the Archives Auditorium, first floor, 3851 Essen Ln., Baton Rouge, Louisiana at 9 a.m. on December 16, 2019 for the purpose of receiving comments

from all interested persons regarding any rule of the Louisiana Department of State which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. Interested persons are invited to attend the hearing and submit oral comments or submit their written comments at the hearing.

Additionally, all interested persons are invited to submit written comments via U.S. Mail to Ray Wood, Attorney, Louisiana Department of State, P.O. Box 94125, Baton Rouge, LA 70804-9125. Written comments may also be hand delivered to Ray Wood, Attorney, Louisiana Department of State, 8585 Archives Avenue, Baton Rouge, LA 70809 and must be date stamped by the Louisiana Department of State on the date received. All written public comments must be dated, include the original signature of the person submitting the comments, and must be received in an envelope labeled "ACT 454 Comments" no later than 12 p.m. on December 23, 2019. The Louisiana Department of State will only consider and review those written comments received at the public hearing or those written comments transmitted and timely received via U.S. Mail or hand delivery during the public comment period. The Louisiana Department of State will consider all relevant oral comments received at the public hearing. In order for oral comments to be submitted to the legislative oversight committees, the comments must be submitted to the Louisiana Department of State in writing.

Any individual who needs special assistance in order to attend or speak at this public hearing should notify Carrie Martin, within ten working days prior to the Hearing Date, in writing, at "Louisiana Department of State, Attn: Carrie Martin, P.O. Box 94125, Baton Rouge, LA 70804-9125," or by email at carrie.martin@sos.la.gov. Any questions should be directed to Ray Wood at (225) 362-5115.

R. Kyle Ardoin
Secretary of State

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POTPOURRI

Workforce Commission Plumbing Board

Notice of Public Hearing

In compliance with Act No. 454 of the 2018 Regular Session of the Louisiana Legislature, codified as R.S. 49:953(C)(2), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the State Plumbing Board of Louisiana will hold a public hearing for the purpose of receiving comments on any rule of the State Plumbing Board which any interested person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. The hearing will be held at the office of the State Plumbing Board on Thursday, December 12, 2019 at 10 a.m., 11304 Cloverland Avenue, Baton Rouge, LA 70809.

At the public hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing regarding these rules only. The State Plumbing Board of Louisiana will consider fully all written and oral comments. Comments must be received in writing in order to be submitted to the legislative oversight committees.

The hearing site is accessible to people using wheelchairs or other mobility aids. If other reasonable accommodations are required in order to participate in the hearings, please contact Ashley Jones Tullier, at (225) 756-3434 at least five business days prior to the scheduled hearing.

Written comments may be submitted in advance of the hearing to Ashley Jones Tullier, State Plumbing Board of Louisiana, 11304 Cloverland Avenue, Baton Rouge, Louisiana 70809. Comments must be postmarked no later than Thursday, December 5, 2019.

Ashley Jones Tullier
Executive Director

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