

**Amendment to the Damage Assessment and Restoration Plan/Environmental Assessment –
Howard/White Unit No. 1 Oil Spill**

The Obed-Pryor Oil Spill Natural Resource Trustee Council (“Trustees”) proposes the following changes to the July 2008 “Damage Assessment and Restoration Plan/Environmental Assessment– Howard/White Unit No. 1 Oil Spill” (DARP/EA):

- Purchase land to restore the portion of stream services lost during the 2002 incident rather than implement the bog garden and streambank restoration projects. The total number of stream services lost during the incident was 26.1 discounted service acre years (DSAYs). The bog garden and the streambank restoration projects in Centennial Park, Crossville were found to be infeasible for technical reasons that were not evident during planning. They would have restored 12.6 and 3.68 DSAYs, respectively. (A much smaller version of the streambank restoration project will be done that restores 0.40 DSAYs rather than 3.68. See last bullet below.) Purchasing land will restore these stream services by protecting land abutting a stream near the injured area from development (e.g., road or structure construction, timber harvesting), thereby preventing the injurious effects of erosion and sediment runoff from occurring on this land and negatively effecting the benthic habitat of the adjacent stream. The approach used to scale the project – i.e., to determine how many acres of land should be purchased to restore the 15.88 DSAYs of stream services that the bog garden and streambank projects no longer will be – is based on the 2004 Stream Mitigation Guidelines for the State of Tennessee. Calculations indicate that 77.4 acres of land are necessary for acquisition and protection. This scaling approach was approved on August 15, 2012 by the restoration funding agency – the U.S. Coast Guard’s National Pollution Funding Center.
- Purchase a different tract of land than was stated in the DARP/EA for the restoration of forest resources and visitor uses lost during the incident. The DARP/EA states the Trustees will pursue tracts 101-10 and 102-14 to acquire or conserve. Since the DARP/EA was completed, however, both tracts have become unavailable due to reconsideration by one seller and an unresolvable title issue with the other. Another tract has been identified that, if purchased, would compensate for the same injuries. Like tracts 101-10 and 102-14, it also abuts a creek. It is highly valued by the Trustees for its outstanding habitat, vegetation, and scenery that visitors (especially boaters) can appreciate. As such, it is at great risk of being purchased and developed.
- The State of Tennessee will purchase the lands rather than the National Park Service. The DARP/EA states the National Park Service (NPS) will purchase the land. However, after the DARP/EA was adopted, the Trustees learned that 16 U.S.C. §19jj-3(b) prohibits NPS from acquiring interests in land with money recovered under any federal, state, or local law as a result of damage to any resource within a unit of the National Park System. However, the statute does not prevent the Tennessee Trustee from acquiring land for restoration purposes with money recovered by that Trustee. Therefore, the Trustees have decided the State of

Tennessee should purchase the land with the State's share of the restoration money to preserve and protect it instead of NPS.

- Implement a much smaller version of the streambank restoration project than was scoped in the DARP/EA, i.e., 0.2 acres and 0.4 DSAYs vs. 1.82 acres and 3.68 DSAYs, respectively. The project would be located in Centennial Park, but on a different stream than the DARP/EA project was on. It would be located on a small but highly erodible area and does not present the technical problems that the DARP/EA project did that made it infeasible.

The DARP/EA states that, in the event the Centennial Park projects (e.g. the bog garden, streambank restoration, and rain garden projects) cannot be implemented, another project discussed in the DARP/EA – i.e., the Gollither Creek mine reclamation project – would be implemented. However, since the DARP/EA was completed, this project has become infeasible due to site overgrowth with vegetation, making site access extremely difficult and cost-prohibitive.

Finally, the Trustees have determined the NEPA impacts analysis conducted in the DARP/EA sufficiently covers the changes described above. Therefore, additional NEPA analyses will not be performed.