

# PUBLICATION

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## Louisiana Establishes Natural Resource Damage Restoration Banking Regulations

February 15, 2017

**New regulations have been proposed to establish procedures for the certification and operation of natural resource damage restoration banks in Louisiana.**

These proposed regulations can be found in Title 43 of the Louisiana Administrative Code, Part XXXI, Chapter 1 (see also La. Register, Jan. 20, 2017 at pp. 128-136).

The natural resource damage restoration banking program is designed to allow, encourage and incentivize private investors to undertake environmental restoration projects and generate restoration credits that responsible parties can purchase to fully or partially resolve natural resource damage liabilities from oil spills under the Oil Pollution Act (OPA) or the Oil Spill Prevention and Response Act (OSPRA).

The focus of the proposed regulations is on the restoration of Louisiana's coastal area. Whether a private party may use this type of restoration banking in response to injuries resulting from a particular oil spill is left to the authority of the natural resource damage assessment trustees. The trustees would retain final authority to purpose and select the purchase of credits from certified natural resource damage restoration banks. The trustees are designated from certain state agencies, such as the Louisiana Coastal Protection and Restoration Authority, the Louisiana Oil Spill Coordinator's Office, the Louisiana Department of Environmental Quality, the Louisiana Department of Natural Resources and the Louisiana Department of Wildlife and Fisheries.