

Annotated Agenda
MAFAC meeting – June 29-July 1, 2010
Juneau, AK

1. Title of Discussion: Deepwater Horizon and MMS activities in Outer Continental Shelf
NATURAL RESOURCE DAMAGE ASSESSMENT (NRDA)

2. Discussion Presenters: John Kern, NMFS Office of Habitat Conservation, Restoration Center

3. Objective/Purpose: Informational

The goal of this session is to inform MAFAC about the Natural Resource Damage Assessment (NRDA) process and how it operates immediately, in the short term, and in the long term.

4. Background/Synopsis: Following the tragic Deepwater Horizon (DWH) accident and oil spill, MAFAC members requested a briefing on NRDA activities NOAA is conducting in response to the British Petroleum (BP) DWH oil spill.

NRDA is a legal process guided by the Oil Pollution Act (OPA) of 1990 and NOAA Regulations. NRDA is for public claims only. There is a separate private claim process for private concerns such as damage to private property, lost revenues, etc. OPA establishes NRDA authority for trustee agencies to assess and restore resources and services injured by oil spills. OPA requires the polluter (Responsible Party) pay the following damages:

- the cost of restoring, rehabilitating, replacing or acquiring the equivalent of the damaged resources;
- the diminution in values of those natural resources pending restoration; and
- the reasonable cost of assessing those damages.

NRDA is restoration-focused. The purpose is to determine the type and amount of restoration needed to compensate the public for injuries to and lost use of their natural resources.

The NOAA Damage Assessment, Remediation, and Restoration Program has three operational components:

- NMFS Office of Habitat Conservation Restoration Center
- NOAA Ocean Service Office of Response and Restoration Assessment and Restoration Division
- NOAA General Council.

The steps in the NRDA process are:

- Preassessment Phase - determine jurisdiction and need to conduct restoration planning
- Restoration Planning Phase - assess injury, select restoration, develop restoration plan
- Restoration Implementation Phase

For the DWH oil spill, NOAA is currently in the Preassessment Phase, but some restoration planning has begun. Several technical working groups (TWGS) have formed, composed of State and Federal natural resource trustees and the responsible party.

- The TWGs continue to develop and implement baseline and post-impact field studies for multiple resource categories:
 - Water Column –fate and transport

- Fisheries and Plankton
- Submerged Aquatic Vegetation
- Shoreline habitats (beaches, wetlands, mudflats, mangroves)
- Subtidal habitats
- Shallow and Deepwater Corals
- Birds
- Marine Mammals and Turtles
- Terrestrial Wildlife
- Human Uses: for example, fishing, hunting, and beach recreational closures
- Sample collection includes water, sediment and tissues for chemical analyses
- Data are being collected via land and ship-based sampling and aerial surveys
- The trustees may also assess potential impacts from the response, including dispersant use at the surface and at depth

Other resources:

[PowerPoint presentation](#) on the NRDA process and DWH, John Kern

Damage Assessment, Remediation, and Restoration Program fact sheet ([click here](#)).

DARP Website: <http://www.darp.noaa.gov>.

Protecting and Restoring Natural Resources in Louisiana fact sheet ([click here](#)).

Protecting and Restoring Natural Resources in Alaska fact sheet ([click here](#)).

[*Mission without a map: The Politics and Policies of Restoration Following the Exxon Valdez Oil Spill*](#). This is an extensive report on the history of the settlement, damage assessment, and restoration following the *Exxon Valdez* spill that was released by the *Exxon Valdez* Oil Spill Trustee Council, Alaska Department of Fish and Game. In particular, Chapter 5, Restoration Science: A legacy of process, and its Addendum, Achievements in Science describe the damage assessment and restoration efforts and their effectiveness following the Exxon Valdez spill.

5. Options listed from 1 to n (e.g., brief summary of options considered/proposed & most important pros/cons of each. State criteria used, such programmatic, policy, political, economic, biological, funding, staffing impacts and/or or expected cost/schedule/performance impacts; range of timing/quality/probability of outcomes/products/services accomplished under different options):

6. Preferred Recommendation (Include action/product/decision needed; responsible/accountable party; date/timeline/schedule for action):

Record of Decision:

Decision, Next Step(s) and/or Action:

Assigned to:

Due Date: