

# 1999 OREGON/WASHINGTON COAST MYSTERY OIL SPILL

## Natural Resource Damage Assessment Plan and Claim for Past and Future Assessment Costs



Submitted to:

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National Pollution Funds Center  
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## LIST OF ACRONYMS

AO	Authorized Official
BBM	Beached Bird Model
CCS	Cowlitz Clean Sweep
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
DARP	Damage Assessment/Restoration Plan
DOI	U.S. Department of the Interior
LAT	Lead Administrative Trustee
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NPFC	National Pollution Funds Center
NRDA	Natural Resource Damage Assessment
ODFW	Oregon Department of Fish and Wildlife
OPA	Oil Pollution Act of 1990
REA	Resource Equivalency Analysis
UPS	University of Puget Sound
U.S.C.	United States Code
USCG	U.S. Coast Guard
USFWS	U.S. Fish and Wildlife Service
WDFW	Washington Department of Fish and Wildlife

## Executive Summary

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This document is a plan to assess natural resource damages and a claim for past and future assessment costs associated with a mystery spill off the coasts of Oregon and Washington in March of 1999. It is being submitted to the Director of the National Pollution Funds Center (NPFC) in accordance with the Oil Pollution Act of 1990 et seq. (OPA).

The U.S. Fish and Wildlife Service (USFWS) is joined by the Washington Department of Fish and Wildlife (WDFW), hereafter the Trustees, in filing this assessment plan/claim. The National Oceanic and Atmospheric Administration (NOAA), Oregon Department of Fish and Wildlife (ODFW), National Park Service, The Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Hoh Tribe, Quileute Nation, Quinault Indian Nation, and Shoalwater Bay Tribe also were invited to participate in this NRDA, but declined either because of lack of trust resources impacted by the spill or lack of staff able to participate. Pursuant to 33 CFR § 136.207(a), the Trustees have selected a lead administrative trustee, U.S. Fish and Wildlife Service, to present a consolidated claim.

The Trustees present this natural resource damage assessment claim for funding to cover expenses incurred and expected to be incurred from injury assessment and restoration planning. This assessment plan summarizes information gathered on the incident to date and proposes the studies necessary to implement an NRDA and develop a restoration plan. The Trustees propose to conduct an NRDA in accordance with the NRDA Regulations promulgated at 15 CFR Part 990. As such, in order to provide opportunities for public review and comment, the Trustees announced the development of this assessment plan, along with a Notice of Intent to conduct assessment and restoration planning, via Trustee websites and other social media, for a 30-day public comment period in accordance with 33 U.S.C. §2706(c)(5).

The Trustees have documented injury to trust resources and shall quantify these injuries using established methods such as the Beached Bird Model (BBM). Resource Equivalency Analyses (REA) will be used to estimate the loss in natural resource services and calculate the scale of restoration projects needed to make the resource and public whole for these losses.

On the basis that the source of the spill is unknown, the Trustees intend to submit a subsequent claim for the cost of implementing the restoration plan. The Trustees will prepare a draft Damage Assessment/Restoration Plan (DARP) that will detail the results of the injury assessment and describe several restoration alternatives that will fully compensate the public for lost natural resources and services. An Environmental Assessment will be conducted on each alternative, and will be included in the DARP. The Trustees shall solicit and respond to public comments on the draft DARP and incorporate appropriate changes into the final DARP. The DARP will form the basis of a claim to the NPFC for natural resource damages.

The source and party responsible for the spill were never identified. Accordingly, pursuant to 33 CFR § 136.207(b), the Trustees are presenting this claim for the reasonable cost of 1) assessing natural resources damages and 2) developing a restoration plan. USFWS, as the Lead Administrative Trustee (LAT), submits this assessment plan/claim on behalf of the Trustees. The amount requested is \$1,406,169 and includes a 25% contingency to cover any unforeseen future costs.

## **INTRODUCTION**

### **1.1 Purpose**

This document is a plan to assess natural resource damages and develop a restoration plan for an oil spill of unknown origin that occurred on the northern Oregon and southern Washington coasts in March of 1999 (“Mystery Spill”). The specific goals of the NRDA are to:

1. Determine the nature, degree and extent (both spatial and temporal) of injuries to natural resources resulting from the unlawful release of petroleum substances into the coastal environments of northern Oregon and southern Washington;
2. Develop restoration alternatives that will fully compensate the public for natural resources injured by the spill by restoring, replacing, or acquiring the equivalent resources or services;
3. Provide the public with an opportunity to comment on restoration alternatives considered by the Trustees and incorporate comments into the final DARP;
4. Submit a claim for damages to NPFC based upon the final DARP.

In developing this assessment plan, the Trustees have followed the requirements found in NPFC’s *Natural Resource Damage Funding Guidelines* (2002).

### **1.2 Natural Resource Trustees**

The Oil Pollution Act of 1990 (OPA) and Executive Order 12777 designate the Federal Trustees of oil spills, while State Trustees are designated by the Governor.

The USFWS has contacted the following State and Federal agencies and Tribes regarding trusteeship of resources injured by the spill and interest in participating in the NRDA:

- Oregon Department of Fish and Wildlife (ODFW);
- Washington Department of Ecology (WDOE);
- Washington Department of Fish and Wildlife (WDFW);
- National Oceanic and Atmospheric Administration (NOAA);
- National Park Service (NPS);
- Confederated Tribes of the Grand Ronde Community of Oregon;
- Confederated Tribes of Siletz Indians of Oregon;
- Hoh Tribe;
- Quileute Nation;
- Quinault Indian Nation;

- Shoalwater Bay Tribe.

Each agency/government listed above is authorized to act on behalf of the public or tribal members under applicable laws pertaining to State and Federal agencies and Tribes to assess and recover natural resource damages, and to plan for and implement actions that restore natural resources injured as a result of a discharge of oil.

Of the five agencies and six Tribes contacted by USFWS, one (WDFW) expressed interest in participating as a Trustee. The other 10 (NOAA, NPS, WDOE, ODFW, Confederated Tribes of Siletz Indians, Hoh Tribe, Quileute Nation, Quinault Indian Nation, Shoalwater Bay Tribe, and Confederated Tribes of Grand Ronde Community) declined the invitation to participate in the NRDA.

### **1.3 Points of Contact**

The USFWS, acting as the LAT and Authorized Official (AO) for the Department of the Interior (DOI), will serve as the point of contact for this NRDA claim. Robyn Thorson, Director, Region 1, is the designated AO. The working points of contact and Co-Leaders for this case are Michael Szumski and Cindy Schexnider. Contact information follows:

LAT: U.S. Fish and Wildlife Service

Designated AO:

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Case Co-Leaders for USFWS:

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360-753-4324 (office)  
360-753-9518 (fax)  
[cindy\\_schexnider@fws.gov](mailto:cindy_schexnider@fws.gov)

State Trustee Representative:

For the State of Washington:

Dan Doty  
Washington Department of Fish and Wildlife  
600 Capital Way North  
Olympia, Washington 98501-1091  
360-902-8120 (office)  
360-280-8534 (cell)  
[Dan.Doty@dfw.wa.gov](mailto:Dan.Doty@dfw.wa.gov)

For the NPFC:

Director  
U.S. Coast Guard, NPFC  
Department of Homeland Security  
4200 Wilson Boulevard, Suite 1000  
Arlington, Virginia 20598  
202-493-6623 (office)

All documents related to Trustee invitation and participation are found in Attachment 1.  
Documents related to AO designation are found in Attachment 2.

## 1.4 Incident Overview

On March 4, 1999, while responding to the M/V *New Carissa* oil spill on the central Oregon coast, the USCG Marine Safety Office in Portland received a report of tar balls and oiled birds on Sunset Beach, located between Gearhart and Warrenton, Oregon (Figure 1). Upon investigating, USCG personnel found fresh tar balls along approximately 8 miles of beach (USCG 1999, 2000). Cowlitz Clean Sweep (CCS) conducted several days of beach cleanup in the affected area. Both USCG and CCS demobilized from the beach on March 6, 1999. Several days later, personnel from CCS delivered oiled bird carcasses from the incident to the wildlife morgue for the *New Carissa* spill (Phillips 2000).

At the same time as the Oregon incident, oil began coming ashore at several locations in southern Washington. Tar balls and oiled birds were noted on the Long Beach peninsula from Klipsan Beach to Ocean Park and at Oysterville Road (WDOE 1999a). Oiled birds and sheen were also noted on beaches near Grayland. The USCG contracted with Evergreen Environmental for clean-up services, which continued through March 6. Wildlife surveys conducted by WDOE continued through March 10, 1999 (WDOE 1999b). Oiled seabird carcasses were collected and transported to the *New Carissa* morgue.

Spill response personnel initially suspected the incident was related to the *New Carissa* spill, since the arrival of oil coincided with the re-grounding of the bow section of that vessel following a break in the tow line (USCG 1999). Initial analyses suggested the oil might be related to *New Carissa* (Manchester Environmental Laboratory 1999). However, subsequent detailed analysis of the oil by both Payne and Driskell (2003) and ADL Laboratories (2001) indicated the oil did not match *New Carissa* reference samples. The source of the Mystery Spill and the responsible party were never identified.

In the 2010 Claim Release Form signed by the *New Carissa* Trustees, the NPFC states that the *New Carissa* incident did not include the birds collected from the three northern-most search segments in Oregon (Slusher Lake, Gearhart and Tillamook Head) and from beaches in southern Washington. Therefore, the loss of these birds was not part of the NRDA settlement with the Trustees (National Pollution Funds Center 2010). All relevant historical documents related to the *New Carissa* incident can be found in Attachment 3.

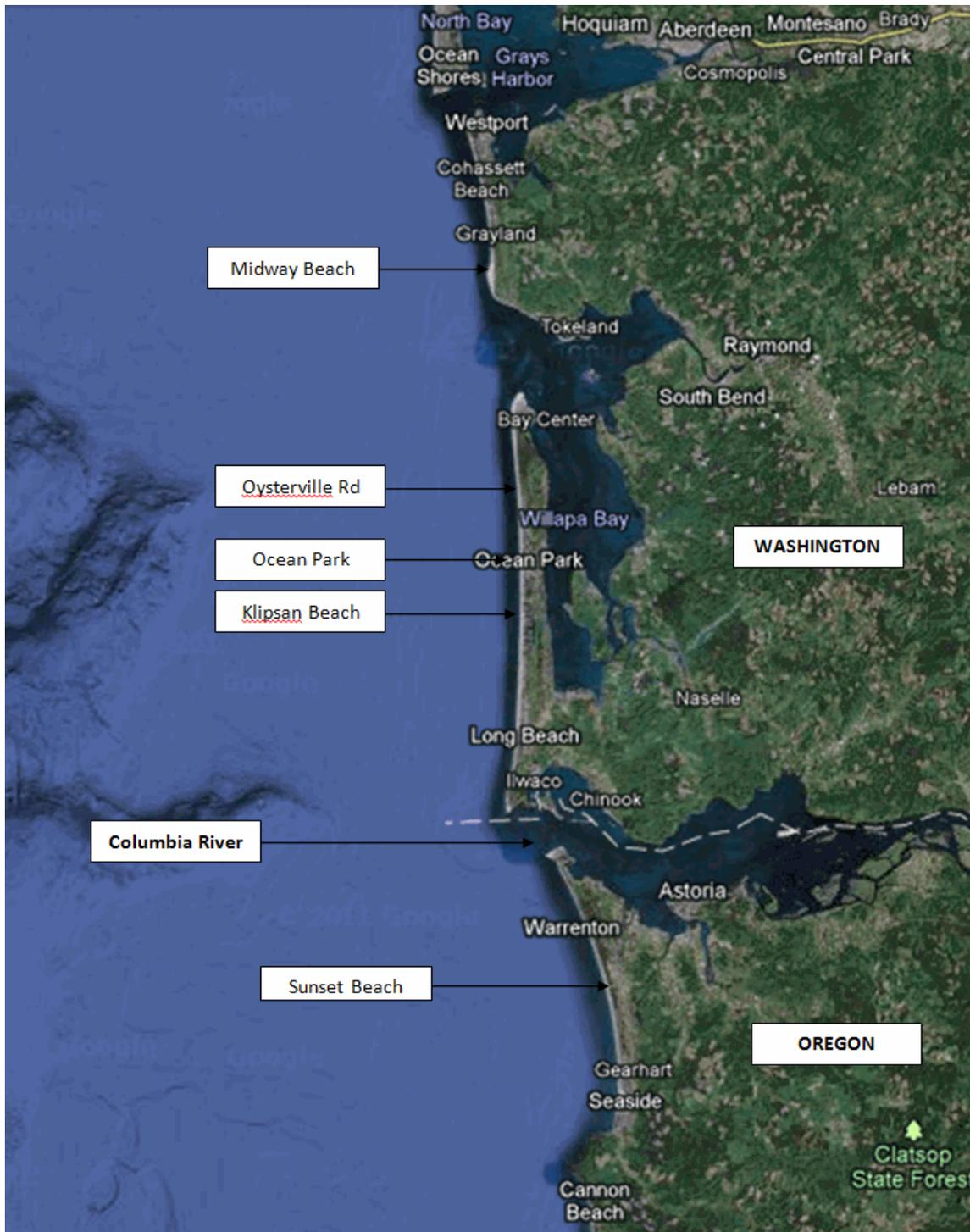


Figure 1. Location of tar balls and oiled birds during March 1999 Mystery Spill off the Oregon and Washington coasts.

## 1.5 Natural Resources at Risk and Known Injuries

Large numbers of seabirds over-winter off the Oregon and Washington coasts. During late winter when the spill occurred, the seabird community is typically dominated by five species of alcids, as well as shearwaters, loons, scoters, grebes, cormorants, fulmars, and several species of gulls (Roy Lowe, Project Leader, Oregon Coast National Wildlife Refuge Complex, 2011). Near-shore waters are used primarily by loons, grebes, cormorants, scoters and gulls. Waters over the continental shelf are typically dominated by diving and pursuit-plunging seabirds (e.g. murres, auklets, puffins and sooty shearwaters) that prey on pelagic fish. Deeper oceanic waters support surface-feeding birds (e.g., gulls, albatross, fulmars, shearwaters and storm-petrels). Large numbers of seabirds often congregate near the plume of the Columbia River and at deep water tidal fronts where high concentrations of prey can be found. Lower numbers of seabirds forage opportunistically in the deeper waters farther offshore.

A total of 272 bird carcasses were collected during the incident, with 182 from Oregon and 90 from Washington beaches. A memo from FWS Biologist C. Phillips cites 140 birds picked up by a clean-up contractor in Oregon (Attachment 3) and represents only a portion of the bird carcasses collected on Oregon beaches.

Seabird carcasses collected during the Mystery Spill contained both offshore and near-shore species. Rhinoceros auklet was by far the most common species collected (105), along with northern fulmar (*Fulmarus glacialis*) (36), common murre (*Uria aalge*) (27) and Cassin's auklet (*Ptychoramphus aleuticus*) (22). Two marbled murrelets (*Brachyramphus marmoratus*), a species listed as threatened under the Endangered Species Act, also were recovered. Table 1 summarizes the number of dead seabirds collected during the incident by species.

It is likely that additional birds were killed by the incident, but were not recovered by search teams due to several factors including: at-sea loss, search effort, detectability of carcasses on the beach and scavenging by predators. It is also possible that some of the birds collected died from causes other than the oil spill. The proposed NRDA will assess and correct for these factors to produce a more accurate estimate of the total number of birds killed by the spill.

Table 1. Bird carcasses collected by species during 1999 Mystery Spill off the Oregon and Washington coasts.

Species	Number Recovered
Alcid sp. (Alcidae)	13
Auklet, Cassin's ( <i>Ptychoramphus aleuticus</i> )	22
Auklet, Parakeet ( <i>Aethia psittacula</i> )	6
Auklet, Rhinoceros ( <i>Cerorhinca monocerata</i> )	105
Cormorant, Brandt's ( <i>Phalacrocorax penicillatus</i> )	2
Duck, Harlequin ( <i>Histrionicus histrionicus</i> )	1
Fulmar, Northern ( <i>Fulmarus glacialis</i> )	36
Grebe, Western ( <i>Aechmophorus occidentalis</i> )	8
Gull, Glaucous-winged ( <i>Larus glaucescens</i> )	1
Gull sp. (Laridae)	1
Kittiwake, Black-legged ( <i>Rissa tridactyla</i> )	13
Loon, Common ( <i>Gavia immer</i> )	1
Murre, Common ( <i>Uria aalge</i> )	27
Murrelet, Marbled ( <i>Brachyramphus marmoratus</i> )	2
Pelican, Brown ( <i>Pelecanus occidentalis</i> )	1
Puffin, Horned ( <i>Fratercula corniculata</i> )	7
Puffin, Tufted ( <i>Fratercula cirrhata</i> )	1
Puffin sp. ( <i>Fratercula</i> )	2
Scoter, White-winged ( <i>Melanitta deglandi</i> )	2
Storm-petrel, Leach's ( <i>Oceanodroma leucorhoa</i> )	6
unknown bird sp.	15
<b>Total</b>	<b>272</b>

## **2.0 Adherence to NRDA Regulations at 15 CFR 990**

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The Trustees intend to conduct the NRDA for the Mystery Spill in accordance with the damage assessment regulations published by NOAA at 15 CFR Part 990. Certification to this adherence is found in Section 7.0.

### **Pre-Assessment Phase**

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#### **2.1 Statute of Limitations**

The statute of limitations under OPA for the filing of natural resource damage claims with NPFC is the later of the following:

1. Three (3) years from the date the injury and connection with the discharge was reasonably discoverable with due care; or
2. Three (3) years from the date of completion of the NRDA under the damage assessment regulations published by NOAA at 15 CFR 990.

For this NRDA, the Trustees chose to use the damage assessment regulations at 15 CFR 990. Use of these regulations confers a less stringent time constraint with respect to completing the NRDA. The 3-year statute of limitations will not begin running until the damage assessment is complete. For the purpose of this claim, NRDA completion is defined as the date of promulgation of the DARP.

#### **2.2 Determination of Jurisdiction**

The Trustees have determined they have jurisdiction to pursue restoration for the incident under OPA based on the following:

1. The Mystery Spill was an incident as defined in the OPA NRDA regulations at 15 CFR 990.30;
2. The incident was not:
  - a. Permitted under permit issued under Federal, State, or local law, or;
  - b. From a public vessel (we assume that if it were from a Navy, USCG or other public vessel, the release would have been properly reported as required under the law); or
  - c. From an onshore facility subject to the Trans-Alaska Pipeline Authority Act, 43 U.S.C. 1651 et seq. (there are no Trans-Alaska Pipeline facilities in the area).
3. Natural resources under trusteeship were injured as a result of the incident.

The Trustees proceeded to conduct actions related to preassessment data collection, which consisted of collecting environmental oil samples and processing seabird carcasses that came ashore with the oil. Both sample types were archived for later examination/analysis.

### **2.3 Determination to Conduct Restoration Planning**

The Trustees have determined they have jurisdiction to pursue restoration planning, and that such action is warranted for the following reasons:

1. Injuries to natural resources resulted from the spill.

*The Trustees collected 272 bird carcasses during the incident. Approximately half of the birds were visibly oiled, a proportion commonly seen in most major oil spills. Research has shown that it takes only a small amount of oil to compromise the water repellency and insulating properties of seabird feathers, which quickly leads to hypothermia and death.*

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

*Response actions were limited to several days of beach cleanup and therefore did not address all injuries resulting from the incident.*

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

*Reasonable restoration actions are available that would compensate for seabird losses. These options include (but are not limited to) projects such as the removal of harmful, non-native species from seabird breeding colonies, habitat restoration/enhancement and social attraction of seabirds to abandoned colonies.*

### **2.4 Notice of Intent to Conduct Restoration Planning**

Trustees have determined that all conditions for proceeding with restoration planning have been met (per 15 CFR 990, § 990.42(a)). Accordingly, Trustees shall draft and promulgate a Notice of Intent to Conduct Restoration Planning (NOI) as required under 15 CFR 990, § 990.44. The NOI shall include some or all of the following information:

1. The facts of the Mystery Spill;
2. Trustee authority to proceed with the assessment;
3. Natural resources and services that were injured as a result of the incident;
4. Potential restoration actions relevant to the expected injuries; and
5. Where known, the potential assessment procedures to evaluate injuries and define the appropriate type and scale of restoration for the injured natural resources and services.

Trustees shall make a copy of the NOI publicly available. Furthermore, if a responsible party is ever identified for the Incident, Trustees shall send a copy of the NOI to the responsible party, in such a way as will establish the date of receipt, and invite the responsible party's participation in the restoration planning phase.

## **2.5 Establishment of Administrative Record**

Trustees shall open a publicly available administrative record to document the basis for their decisions pertaining to restoration. The administrative record shall be opened concurrently with the publication of the NOI. As appropriate, the administrative record shall include documents relied upon during the assessment, such as:

1. Any notices, draft and final restoration plans, with public comments;
2. Any relevant data, investigation reports, scientific studies, work plans, quality assurance plans, and literature; and
3. Any agreements, not otherwise privileged, among the participating Trustees or with identified responsible party (if any).

The administrative record shall be maintained in a manner consistent with the Administrative Procedure Act, 5 U.S.C. 551-59, 701-06.

## **2.6 Use of Assessment Procedures**

All assessment procedures used by the Trustees shall comply with the following standards (per 15 CFR 990, § 990.27):

1. The procedure must be capable of providing assessment information useful in determining the type and scale of restoration appropriate for a particular injury;
2. The additional cost of a more complex procedure must be reasonably related to the expected increase in the quantity and/or quality of relevant information provided by the more complex procedure; and
3. The procedure must be reliable and valid for the particular incident.

Trustees may use a range of assessment procedures including, but not limited to:

1. Procedures conducted in the field;
2. Procedures conducted in the laboratory;
3. Model-based procedures;
4. Literature-based procedures;

5. A combination of the above.

When selecting procedures, the Trustees will consider at a minimum:

1. Range of procedures available;
2. Time and cost necessary to implement the procedures;
3. The potential nature, degree, and spatial/temporal extent of the injury;
4. Potential restoration actions for the injury;
5. Relevance and adequacy of information generated to meet information requirements of restoration planning.

If a range of assessment procedures providing the same type and quality of information is available, the Trustees will select the most cost-effective procedure.

Pursuant to 15 CFR 990, § 990.50, the Trustees shall evaluate and quantify potential injures to natural resources, and use this information to determine the need for and scale of restoration actions.

## **Restoration Planning Phase**

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### **2.7 Injury Assessment/Determination**

Pursuant to 15 CFR 990, § 990.51, the Trustees shall determine if injuries to natural resources and/or services have resulted from the incident by determining if:

1. The definition of injury has been met, as defined in 15 CFR 990, § 990.30; and
2. An injured natural resource has been exposed to the discharged oil, and a pathway can be established from the discharge to the exposed natural resource.

Table 1 provides a list of bird species the Trustees intend to evaluate. Collectively, these species comprise the preliminary scope of injury for the Mystery Spill NRDA.

When selecting the injuries to include in the assessment, Trustees shall consider a number of factors including:

- The natural resources and services of concern;
- The procedures available to evaluate and quantify injury and associated time and cost requirements;
- The evidence indicating exposure;
- The pathway from the incident to the natural resource and/or service of concern;
- The adverse change or impairment that constitutes injury;

- The evidence indicating injury;
- The mechanism by which injury occurred;
- The potential degree, and spatial and temporal extent of the injury;
- The potential natural recovery period; and
- The kinds of primary and/or compensatory restoration actions that are feasible.

Methods proposed for determining biological injuries from the Mystery Spill are described further in Sections 3.

## **2.8 Injury Quantification**

Trustees shall further quantify preliminary natural resource injuries to the species in Table 1 in terms of spatial and temporal extent of injuries to natural resources relative to baseline, and will include an estimate of the time required for natural recovery. Methods proposed for quantifying biological injuries from the Mystery Spill are described further in Section 3.

## **2.9 Developing Restoration Alternatives**

If the results of injury determination and quantification justify restoration, Trustees shall proceed with identifying and developing restoration alternatives. The Trustees shall consider a reasonable range of restoration alternatives before selecting the preferred alternative(s). Each restoration alternative shall be comprised of components that address specific injuries associated with the Mystery Spill. Each alternative shall be designed so that when implemented, the alternative will make the environment and public whole. Only those alternatives considered technically feasible and in accordance with applicable laws, regulations, or permits shall be considered. Natural recovery of injured resources shall also be considered.

Appropriate restoration alternatives shall be identified through discussions with individuals and groups having expertise in seabird biology and management, seabird habitat restoration, predator/invasive species removal and local resource management. Organizations might include (but are not limited to) one or more of the following:

1. USFWS
  - a. Washington Maritime National Wildlife Refuge Complex;
  - b. Oregon Coast National Wildlife Refuge Complex;
2. WDFW;
3. Island Conservation/ British Columbia Parks;
4. Island Conservation/ Pacific Rim National Park Reserve of Canada;
5. Carter Biological Consulting;
6. Oikonos (non-profit organization that studies and protects imperiled ecosystems).

Note: Projects outside the United States would be led by and funded through a U.S.-based conservation organization (i.e., Island Conservation).

Preliminary considerations for candidate restoration projects are described below. Restoration projects are subject to significant amendment as the full extent of injury becomes known and the restoration potential for each project is realized. Projects have yet to be identified for all species injured by the spill.

### *2.9.1 Primary Restoration*

Primary restoration is not possible for this incident. The Mystery Spill occurred in 1999, and there appears to be no ongoing oil contamination from this incident.

### *2.9.2 Compensatory Restoration*

The Trustees will consider, to the extent practicable, restoration projects that provide services of the same type, quality and value as those injured. If, in the judgment of the Trustees, projects providing the same type, quality and value cannot be developed, Trustees will identify projects that provide natural resources and services of comparable type, quality and value as those injured, in accordance with 15 CFR 990, § 990.53(c)(2).

Compensatory restoration alternatives will be identified for further consideration from a variety of sources, including those organizations identified above. Preliminary compensatory restoration concepts include the following:

1. Removal of introduced, invasive species;
  - a. Predators that prey on nesting seabirds, eggs, or chicks;
  - b. Competitors that exclude birds from nesting areas or degrade nesting habitat.
2. Enhancement of nesting habitat for seabirds by:
  - a. Removal of invasive plants/replanting native vegetation;
  - b. Removal of man-made structures that prevent/inhibit nesting;
  - c. Soil amendment/remediation to improve nesting conditions for burrow nesters;
  - d. Placement of artificial nest boxes/social attraction devices to encourage recolonization;
  - e. Purchase/protection of habitat.
3. Monitoring performance of restoration projects.

## **2.10 Description of Restoration Scaling**

After the Trustees have identified restoration projects to be considered, they will determine the scale of those actions that will make the environment and public whole.

For scaling restoration alternatives to quantified injuries, Trustees likely shall employ a resource-to-resource and service-to-service approach such as a REA. The REA will first determine total injury (in bird-years) for each species, and then scale the restoration actions to provide the same natural resources and services as those lost during the spill, taking natural recovery into consideration. If the same type and quantity cannot be restored, the Trustees will seek to restore natural resources and service of comparable value. Where appropriate and feasible, uncertainties associated with scaling restoration actions will be addressed and described. Finally, restoration actions will be discounted to the date the restoration claim is presented to NPFC (or the responsible party, if one is found) for payment per 15 CFR 990, § 990.53.

### **2.11 Restoration Selection/Evaluation of Alternatives**

Once a reasonable range of restoration alternatives has been developed and considered, the Trustees shall select their preferred alternative(s). At a minimum, selection criteria shall be based on the following:

1. The cost to carry out the alternative;
2. The extent to which each alternative is expected to meet the Trustees' goals and objectives in returning the injured natural resources and services to baseline and/or compensating for interim losses;
3. The likelihood of success of each alternative;
4. The extent to which each alternative will prevent future injury as a result of the spill, and avoid collateral injury as a result of implementing the alternative;
5. The extent to which each alternative benefits more than one natural resource and/or service;
6. The effect of each alternative on public health and safety.

Based on these evaluation factors, Trustees shall select a preferred restoration alternative(s). If two or more alternatives are equally preferable based on these factors, the most cost-effective alternative shall be selected.

### **2.12 Development of Damage Assessment and Restoration Plan**

OPA requires that damages be based upon a damage assessment and restoration plan that has undergone public review. To meet this requirement, Trustees will develop a draft DARP, which will be available for public comment.

The draft DARP shall include:

1. A summary of injury assessment procedures used;
2. A description of the nature, degree, and spatial and temporal extent of injuries resulting from the incident;
3. The goals and objectives of restoration;
4. The range of restoration alternatives considered, with a discussion of how such alternatives were developed and evaluated;
5. Identification of the Trustees' preferred alternative(s);
6. A description of monitoring for documenting restoration effectiveness, including performance criteria that will be used to determine the success of restoration or need for corrective action.

When developing the draft DARP, Trustees shall establish restoration objectives that are specific to the injuries. These objectives will specify the desired outcome, and the performance criteria by which successful restoration will be judged. Performance criteria may include physical, functional, temporal, and/or other demonstrable factors. Trustees shall establish a set of criteria that will:

1. Define success, such that NPFC (or the responsible party, if found) is relieved of responsibility for further restoration actions; and
2. Identify corrective actions to comply with the terms of a restoration plan.

The draft DARP shall include a monitoring component that will describe those activities necessary to gauge the progress, performance, and success of the restoration actions developed under the plan. The monitoring plan will address such factors as the duration and frequency of monitoring, level of sampling needed to detect the need for corrective action, and whether monitoring of a reference site is needed.

Public review and comment on the draft DARP will be conducted in a manner that complies with the Federal Trustee's applicable National Environmental Policy Act requirements. The specific strategies for facilitating public review and comments are to be determined, but are likely to include:

1. Advertising availability of the draft and final DARP for review;
2. Providing public access for review of the DARP; and
3. Providing venues for soliciting and collecting comments.

Following receipt of public comments on the draft DARP, Trustees shall develop a final DARP that includes information contained in the draft DARP, responses to public comments and, if necessary, an indication of any changes made to the draft DARP. The final DARP will form the basis of a claim to the NPFC for natural resource damages.

### **3.0 Assessment Procedures**

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The goal of a NRDA and subsequent restoration effort is to make the affected natural resources and the public whole for injuries caused by the release of contaminants to the environment. A NRDA does this by determining the nature of injuries to natural resources, quantifying the extent of those injuries, and developing one or more restoration projects that will produce benefits equal to what was lost.

In the case of the Mystery Spill, the Trustees plan to use the standard Beached Bird Model (Ford et al. 1996) in a manner similar to that used in the recent Luckenbach NRDA (Ford et al. 2006). The model will be tailored to the unique circumstances of the Mystery Spill. The Trustees will use wind and current information to hind-cast the likely point of origin and effects of the Columbia River plume based on probabilities, in a manner similar to that used by NOAA to model oil spill trajectories.

A REA will then apply demographic parameters and natural history traits to estimate the total lost services (in the form of bird-years) that would have been provided by those lost individuals. The Trustees will develop a range of restoration alternatives that will benefit the same species. If it is not possible to restore a particular injured species the Trustees will choose an ecological equivalent (similar ecological niche) providing equivalent natural resource services. The size of the project will be scaled such that the services provided by the project(s) will match the services lost. Both the services lost and gained will be discounted at a rate of 3% per year, based on the assumption that present services are more valuable than future services, and that some uncertainty exists when estimating future restoration benefits. The Trustees will select their preferred restoration alternative(s) using the criteria described in Section 2.11. A more detailed description of the tasks to be completed is provided below.

#### **3.1 Spill Trajectory/Origin**

Wind and current data from the time of the incident, will be gathered from weather stations/buoys near the mouth of the Columbia River. Historical data from the time of year the spill occurred will also be examined. An oceanographic modeler will use these data to predict the likely origin and trajectory of the spill, which could be significantly influenced by the discharge of the Columbia River. There are no offshore, sub-surface oil seeps in the area of the incident. It is therefore reasonable to conclude the oil was released at the surface from an unidentified vessel.

### 3.2 Injury Determination/Quantification

Trustees will gather all available information on the historical presence and abundance of local seabird populations at the time of year the spill occurred. When combined with spill trajectory data, this information will enable modelers to estimate the number of seabirds at risk of coming into contact with the oil. This will also allow modelers to determine the path bird carcasses might have taken, which could directly affect injury estimates. The Trustees intend to contract with a nationally recognized consulting firm (R.G. Ford Consulting) with extensive experience in modeling bird mortalities from oil spills.

During any spill, some level of natural background mortality can be expected to contribute to the number of bird carcasses collected. Such birds will be separated out from the spill-related birds by estimating background carcass deposition in late winter on affected beaches. The Trustees will then use the BBM to estimate the total number of birds impacted by the spill. The BBM considers a number of correction factors to estimate total mortality. Which factors are used in the model is dependent on the unique characteristics of a spill. The BBM developed for the Mystery Spill could include corrections for:

- *At-sea loss*: Because the spill occurred offshore, a significant number of bird carcasses likely never made it to the beach. Dead or dying birds are subject to winds and currents, which may carry them offshore. Additionally, dead and dying birds are subject to scavenging and predation while at sea. The Trustees will use hind-cast modeling/trajectory analysis to determine an at-sea loss correction factor.
- *Search effort*: Oregon spill responders from Federal and State wildlife agencies were involved in the *New Carissa* oil spill for approximately 1 month when the Mystery Spill was discovered. Because additional response personnel were unavailable, Oregon beaches were never surveyed systematically. Bird carcasses were picked up on Oregon beaches primarily by a beach clean-up contractor, whose mission was to remove oil from the beach and not search for bird carcasses. Washington beaches received occasional checks for several days, but systematic, sustained surveys were not conducted.

Even though carcasses were not searched for systematically, it is still possible to estimate injury. Carcass deposition appears to have occurred over a limited time frame and geographic range. Under these circumstances, repeated searches are less critical to the modeling effort than they would be in situations where deposition continues over a period of weeks or months. Using interviews and records from the spill response, the Trustees will reconstruct what effort was made in both Washington and Oregon. If significant uncertainty still remains regarding search effort, we will examine multiple scenarios and determine their effect on the injury estimate.

- *Unsearched areas*: Some Oregon and Washington beaches affected by the spill went unsearched or received only cursory investigation.
- *Search efficiency*: Several factors affect the efficiency of search crews including the amount of available sunlight, weather conditions, beach width, amount of debris on beach and size/color

of carcass (small or dark-bodied birds are especially difficult to see on beaches littered with wrack). Spill responders on Oregon beaches were primarily clean-up contractors who picked up bird carcasses incidental to performing clean-up operations. It is therefore likely that not all bird carcasses deposited on the beach were found, and that searcher efficiency was low compared to search crews specifically looking for bird carcasses.

- *Scavenging or predation:* Scavengers may pick apart or entirely remove dead birds from beaches. This is especially true of small birds like Cassin's auklets and marbled murrelets. Predators such as peregrine falcons or coyotes may more easily capture birds weakened by oil and remove them from the search area. The Trustees plan to examine the effects of scavenging in a carcass persistence study.
- *Re-wash:* Bird carcasses that are deposited on a beach may subsequently be removed from the beaches by high tides or large waves and redeposited elsewhere, or buried *in situ*.
- *Beach transit:* It is often assumed that live oiled birds arrive on beaches and simply stop there. Experience, however, has shown that beached birds may continue inland in search of cover.
- *Removal or burial by the public:* On beaches with even light human use, dead birds are subject to being tossed in trash cans or buried in the sand. This may prevent their discovery by spill response crews.
- *Departure from the area:* Larger birds are sometimes able to survive minor oiling for many days. During this time, they may travel well outside the spill zone and beyond the range of response operations.

The Trustees will conduct field studies to estimate the background carcass deposition rate and carcass persistence, two model inputs that are highly location dependent. These studies are needed due to the unique characteristics of beaches where bird carcasses came ashore (beaches in this area have a very wide profile compared to most Oregon/Washington beaches). Such characteristics can have a significant effect on the ability of searchers to find bird carcasses.

Once all information is gathered, the injury modeler will estimate total direct injury for each bird species or species-group. A Statement of Work (SOW) for this field/modeling work can be found in Attachment 4.

### **3.3 Resource Equivalency Analysis (REA)**

As part of this assessment, a REA will be used to determine the amount of compensatory restoration required to offset injury. This method has two components. The injury component takes the mortality estimates from the BBM and applies species-specific life-history traits found in the scientific literature to determine the natural resource services lost for each species or species-group. This is typically expressed in terms of bird-years lost. The Trustees will estimate the temporal extent of injuries, including an estimate of the time required for natural recovery.

The restoration component of the REA calculates the bird-years produced by each restoration project and scales the size of that project such that services produced approximates services lost.

### **3.4 Restoration Project Development/Scaling**

A review of the morgue data indicated alcids (auklets, murres, puffins, and murrelets) were most impacted by the Mystery Spill, making up 72% of carcasses recovered. Within this group, the most frequently collected species was rhinoceros auklet (n=105) followed by common murre (27), and Cassin's auklet (22). Other species collected with some frequency include northern fulmar (36) and black-legged kittiwake (13). Two marbled murrelets, a species listed as threatened under the Endangered Species Act, also were collected.

Most seabird species of the Pacific Northwest nest at very specific, traditional locations, usually on sea cliffs or offshore islands. Some seabird species (puffins, auklets, storm-petrels) are even further specialized, requiring offshore rocks with sufficient topsoil to create nest burrows. This specificity makes finding suitable restoration sites for these species a significant challenge.

Although injury quantification is not yet completed, the Trustees have documented that alcids (particularly rhinoceros auklet) suffered the highest mortality. Since finding applicable alcid restoration projects is challenging, the Trustees have begun identifying potential restoration alternatives that could benefit rhinoceros auklet. To date, the Trustees are able to identify three potential restoration sites for rhinoceros auklet (Destruction Island, Washington; Seabird Rocks, British Columbia; and Scott Islands, British Columbia). All sites are remote and each provides its own set of unique challenges. A brief description of each project is presented below.

#### *Destruction Island, Washington*

Destruction Island lies approximately 3.5 miles off the central Washington coast. European rabbits were introduced to the island in the 1970s and have proliferated. They have physically excluded rhinoceros auklets from former nesting burrows at several locations on the island, and have significantly altered the environment, causing severe erosion in some areas.

At the request of the Trustees, Island Conservation (IC) (an organization that specializes in removal of non-native species from island ecosystems) submitted a SOW (Refer to Attachment 4) for an initial site visit to Destruction Island, trip report, and draft feasibility assessment for rabbit removal. The Trustees visited the island with IC in 2011 to see first-hand the effects of rabbits on the ecosystem and make an initial determination of whether the removal of rabbits was feasible (Refer to Trip Reports in Attachment 5, Jolley 2011). Additional evaluation is required to assess the extent of habitat loss and develop a restoration alternative for the site. Refer to Attachment 4 for a SOW from WDFW for gathering preliminary information needed to assess the response of seabirds to rabbit removal on Destruction Island.

### *Seabird Rocks, British Columbia*

Seabird Rocks are part of Pacific Rim National Park Reserve (PRNP), located on the west side of Vancouver Island about 130 km northwest of Victoria. This area historically supported eight species of breeding seabirds (Leach's and fork-tailed storm petrels, rhinoceros and Cassin's auklets, pigeon guillemots, tufted puffins, pelagic cormorants and glaucous-winged gulls). Populations remained relatively stable from the 1970s to 2002, but then declined dramatically. By 2010, only glaucous-winged gulls and pelagic cormorants were known to breed on the island. Biologists with PRNP suspected predation as the likely cause of breeding failure, but did not know which species of predator was involved. The objective of our 2011 site assessment was to identify which bird species were breeding or attempting to breed on the island, and determine the cause of ongoing breeding failure. Our investigation revealed that river otters were primarily responsible for the seabird mortality (Clarkson et al. 2011a, b). We also documented several seabird species (Leach's and fork-tailed storm petrels, rhinoceros auklets) still attempting to nest on the island, but in very low numbers. Given the extensive predation on the island, successful breeding by these individuals is unlikely. A SOW can be found in Attachment 4 and trip reports from the investigations are found in Attachment 5.

### *Scott Islands, British Columbia*

The Scott Islands lie at the northern tip of Vancouver Island in British Columbia. The archipelago is composed of five islands. Triangle, Sartine and Beresford Island are the three most westward islands, supporting 12 species of breeding seabirds. In contrast, Lanz and Cox Islands to the east are nearly devoid of seabirds due to thriving populations of introduced mink and raccoon. Coastal Conservation and Island Conservation have developed a restoration plan for these islands centered on the removal of these non-native predators. A potential restoration alternative could be to provide funding to implement the plan.

### *Other Potential Restoration Sites*

No single project will restore all species injured by the spill. The restoration alternatives identified thus far focus on rhinoceros auklet, the species that occurred with greatest frequency in the morgue records. Other species injured by the spill, such as Cassin's auklets and Leach's storm-petrel may also benefit from these projects. However, the Trustees have yet to identify restoration alternatives for several important species. For instance, restoration alternatives are needed for northern fulmar, black-legged kittiwake and marbled murrelet (a federally-listed, threatened species).

The estimated cost to investigate these additional projects is \$103,110 and is based on evaluating three additional projects at a cost that is comparable to the average cost for investigating the feasibility of the rhinoceros auklet projects. This estimate is based on the assumption that all remaining species will benefit from these additional projects. Actual field investigations would only be undertaken if they provide information needed for project development/evaluation, and can be conducted at a reasonable cost and in a reasonable time frame.

Once a project is determined viable, Trustees will work with local seabird experts to fully develop and scale the size of the project, such that services restored balances services lost. In some cases, it may be difficult to make an accurate estimate of increased productivity (as may be the case for burrow-nesting species). In these situations, the Trustees may use artificial structures to ensure that the required numbers of successful nests are created. It is also possible

that some species cannot be restored directly and will require out-of-kind replacement of lost services. Should this become necessary, the Trustees will restore an ecologically-equivalent species with similar ecological niche and natural history traits.

The proposed assessment procedures will quantify the nature, degree, and spatial/temporal extent of bird injuries associated with the Mystery Spill. The proposed methods have been used on numerous NRDAs involving oil and seabirds, and are a cost-effective approach that makes the most of existing data. When combined with a REA, this approach provides a rigorous, scientifically defensible and realistic estimate of the total injury to the various seabird species. Likewise, a thorough evaluation of potential restoration projects will provide the Trustees and NPFC with viable and cost-effective restoration alternatives. The results of these investigations will be summarized in a DARP, which includes an Environmental Assessment, and is the purpose and final product of this assessment plan. The DARP will be reviewed by the public, modified as appropriate, and then submitted along with a budget to the NPFC as a NRDA claim.

#### **4.0 SENIOR ASSESSMENT PERSONNEL AND RESPONSIBILITIES**

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The following identifies agencies and senior personnel participating in the Mystery Spill NRDA. Major roles and responsibilities of the participants are included. This section outlines senior personnel only; it is anticipated that additional technical and administrative support personnel shall be required to implement the proposed NRDA in a cost-effective and timely manner.

##### **4.1 U.S. Fish and Wildlife Service**

USFWS shall serve as the LAT for the Mystery Spill NRDA, as well as the AO for the DOI.

As LAT, USFWS will coordinate all Trustee activities and decisions. USFWS will provide oversight and coordinate the completion of the DARP.

Specifically, USFWS will:

- Serve as primary point of contact to NPFC on all matters;
- Ensure that the NRDA is implemented in a manner consistent with applicable statutes and regulations;
- Coordinate activities and interactions with fellow Trustees, USFWS Regional Office and Headquarters, private consultants and individuals;
- Provide cost documentation;
- Distribute the draft DARP for public review and comment;
- Hold any necessary public meetings and address public comments;

- Finalize the DARP and submit as a claim for natural resource damages to NPFC.

As AO, the USFWS shall be responsible for:

- Acting on behalf of the Secretary of the Interior in conducting the NRDA, restoration planning and implementation;
- Coordinating with USFWS Regional Office and Headquarters, DOI's Office of the Solicitor and other DOI bureaus.

Senior USFWS personnel participating in the Mystery Spill NRDA include:

- Michael Szumski: Point of contact for injury assessment technical matters.
- Cindy Schexnider: Point of contact for restoration planning technical matters and administrative matters.

#### **4.2 Co-Trustees**

Of the five agencies and six Tribes approached to participate in this NRDA, only WDFW will formally participate with USFWS as a co-Trustee. The Confederated Tribes of the Grand Ronde will participate informally through periodic updates of the NRDA progress. It is anticipated that the co-Trustee will support the USFWS efforts by providing input into the seabird injury assessment; restoration scaling; identification and evaluation of restoration projects; and the development of the draft and final DARP. WDFW will also assist with/provide:

- Technical expertise on local trust resources;
- Planning injury assessment studies;
- Historical information on the Mystery Spill;
- Review of interim reports and memoranda;
- Identifying and evaluating restoration alternatives; and
- Facilitating public review process of the draft DARP.

Contact information can be found in Section 1.3; Trustee designation documentation can be found in Attachment 1. A signed Memorandum of Agreement between USFWS and WDFW can be found in Attachment 8.

#### **4.3 Contracted Personnel**

USFWS intends to use various contracted experts to assist in the completion of the Mystery Spill NRDA. Contractors shall be retained by the USFWS pending receipt of funding for the NRDA

from NPFC. Contractors shall produce interim and final NRDA-associated work products and services to inform and expedite Trustee actions.

Specifically, it is envisioned that contract support will assist with the following actions:

- Collecting data for the BBM;
- Developing and running the BBM to estimate the total number of birds killed based on the numbers of birds found on the beach;
- Evaluating /developing potential restoration projects.

To execute the Mystery Spill NRDA in an efficient, cost-effective and comprehensive manner, the Trustees will employ the services of a consulting firm with extensive experience modeling seabird mortality from oil spills. The Trustees also will work with several organizations specializing in the removal of invasive species from islands, the restoration of seabird nesting habitat, or the attraction of seabirds once invasives are removed and the habitat improves. The Trustees will employ other contracted experts for additional work as needed.

## **5.0 Schedule of Assessment Actions**

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The schedule for major actions proposed in the Mystery Spill NRDA is provided in Table 5-1 below. This schedule is an estimate based on calendar months from receipt of assessment funding from NPFC and the initiation of the Mystery Spill NRDA. Where reports are referenced in Table 5-1, the schedule pertains to the final version of the report.

Table 5-1: Preliminary Schedule of Mystery Spill NRDA Activities.	
NRDA Action	Anticipated Months to Completion
Designation of AO/Promulgation of NOI to Conduct Restoration Planning/Open Administrative Record	1
Execute contracting agreements	3
Develop REA inputs	6
Model ocean/river currents	12
Conduct field studies for injury modeling	12
Conduct field studies for evaluating restoration alternatives	12
Model injury using results from field studies and current modeling	18
Develop range of restoration alternatives	18
Restoration scaling	18
Evaluation and selection of preferred alternatives	18
Complete draft DARP	20
30 day DARP public review	21
Compilation of public comments and responses	22
Finalize DARP	23
Submit claim to NPFC	24

## **6.0 COST DOCUMENTATION**

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### **6.1 Summary of Past and Future Costs**

The Trustees require funding to conduct a technically sound NRDA that is consistent with the claim requirements found in the NRDA regulations at 15 CFR Part 990. The total amount required to implement this plan is \$1,202,462 which includes both past and future assessment costs. The Trustees also request a 25% contingency (\$203,707) to cover any unforeseen future costs. Since the party responsible for the oil spill was never identified, the Trustees request the full amount from the NPFC. These costs are summarized in Table 6-1 and described in further detail below.

Table 6-1: Summary of Oregon/Washington Mystery Spill NRDA Past and Future Costs

Trustee Agency/Office	Past Assessment Costs	Future Assessment Costs	Total Cost
FWS	\$387,633	429,529	\$817,162
DOI (REA)	\$0	\$24,624	\$24,624
WDFW	\$0	\$32,250	\$32,250
Travel & Equipment	\$0	\$33,900	\$33,900
Contractors			
(RG Ford Consulting) Injury Modeling	\$0	\$88,300	\$88,300
Restoration Alternative 1 Feasibility Study (Destruction Island)	\$0	\$80,645	\$80,645
Restoration Alternative 2 Feasibility Study (Seabird Rocks)	\$0	\$22,471	\$22,471
Restoration Alternative 3 Feasibility Study (Scott Islands)	\$0	\$0	\$0
Additional Restoration Alternatives	\$0	\$103,110	\$103,110
<b>Total Project Costs:</b>	<b>\$387,633</b>	<b>\$814,829</b>	<b>\$1,202,462</b>
25% contingency for future cost estimates		\$203,707	\$203,707
<b>Total</b>	<b>\$387,633</b>	<b>\$1,018,536</b>	<b>\$1,406,169</b>

**6.2 Costs Already Incurred (Past Costs)**

Past costs incurred by the Trustees are associated with compilation and review of case documents, organization and review of data on bird carcasses collected during the spill, restoration project scoping, discussions/coordination with other potential trustees and discussions with technical experts who might participate in either injury modeling or investigating the feasibility of potential restoration projects. The restoration alternatives currently identified focus on the species that occurred with greatest frequency in the morgue records (rhinoceros auklet). Other species injured by the spill will benefit by these projects as well. Past costs are summarized in Table 6-2.

The USFWS calculated personnel costs using a bio-day rate from the beginning of the NRDA through FY10 (September 30, 2010). Per an April 4, 2011, memorandum from the Regional Director, USFWS, Region 1, a new cost documentation protocol and indirect cost methodology

was implemented retroactively to October 1, 2010 (the beginning of FY11). The cost documentation protocol (commonly known as the cost documentation tool or CDT) is a system that gathers information directly from Federal financial systems and calculates direct and indirect costs, thus significantly reducing the need for manual cost documentation.

The CDT relies on unique cost structures in Federal financial systems for accurate accounting. Until May 2011, the Service’s Oregon Fish and Wildlife Office (OFWO) used a base resource management account to fund work associated with the Mystery Spill. This account was not unique and funded other Service activities; therefore the CDT could not be used to calculate costs solely related the Mystery Spill. In April 2011, the OFWO requested that recovered assessment costs from previously-settled NRDA cases be allocated to fund work associated with the Mystery Spill, and by May 2011 a unique cost structure was established specifically for the Mystery Spill. Consequently, the OFWO used the old cost documentation methodology (used prior to FY11) for labor costs from October, 1, 2010, through April 23, 2011. Once funds were available to establish a unique cost structure in May 2011, the OFWO was able to use the CDT to calculate direct and indirect costs for the Mystery Spill. The USFWS’s costs are documented in Attachment 6.

Island Conservation’s costs for initial site evaluation of Destruction Island have been reimbursed by the USFWS. Documentation can be found in Attachment 6. Past costs for Carter Biological Consulting’s evaluation of the Seabird Rocks site in British Columbia have yet to be reimbursed by the Trustees. These costs are included in the Trustees’ Year 1 budget. Documentation for Carter Biological Consulting past costs are detailed in their statement of work provided in Attachment 4.

Table 6-2: Oregon/Washington Mystery Spill NRDA Past Costs			
Time Period	Cost Source	Description of Activities	Cost
2005 – March 31, 2014	USFWS Labor + Indirects	<ul style="list-style-type: none"> <li>• Compilation/review of case information</li> <li>• Trustee coordination</li> <li>• Initial data review and analysis</li> <li>• Initial discussions with injury modeler</li> <li>• Restoration project search</li> <li>• Document preparation and review</li> <li>• Trustee coordination</li> <li>• Administrative Trustee duties</li> <li>• Restoration project evaluations</li> </ul>	\$384,680.42
2011	Travel Costs	• Travel associated with Alternative 1 evaluation, meetings, etc.	\$510.50
2011	Contract Costs/Purchases	• Destruction Island initial site visit and evaluation.	\$2,442.45
Total Past Costs:			\$387,633.37

### 6.3 Work to be Performed (Future Costs)

The Trustees anticipate that the NRDA can be completed in 2 years provided that: 1) sufficient funds are available; 2) consultants are able to begin work immediately, and 3) there are no unforeseen difficulties involving field studies, developing potential restoration projects, or reaching agreement on the claim. To increase efficiency, USFWS will divide tasks between co-leads with the OFWO (Szumski) taking the lead on injury assessment and the Washington Fish and Wildlife Office (Schexnider) leading the development of restoration project alternatives. Other tasks will be divided as appropriate to streamline the NRDA process.

Restoration project development and scoping may require travel to relatively remote islands to evaluate seabird restoration potential and has been considered in the development of the estimated future costs. The Trustees will minimize travel and associated costs, to the extent practicable, by utilizing photos and video, relying on existing information when appropriate, and combining travel tasks as much as possible. Costs and associated tasks for all persons/groups participating in this NRDA are presented in Table 6-3 and Attachment 6.

Consistent with commonly used Trustee cost estimates, the Trustees have included a 25% contingency in the total budget request to cover any underestimated or unforeseen future expenses. All unused funds shall be returned to the Oil Spill Liability Trust Fund no later than 6 months from the completion of the assessment in accordance with 15 CFR §990.65.

	Year 1	Year 2	Total
Case Development/Restoration Planning (All Trustees)	\$267,775	\$252,527	\$520,303
Injury Modeling (RG Ford)	\$52,300	\$36,000	\$88,300
Restoration Project 1 Evaluation (Destruction Island)	\$80,645	\$0	\$80,645
Restoration Project 2 Evaluation (Seabird Rocks)	\$22,471	\$0	\$22,471
Restoration Project 3 Evaluation (Scott Islands)	\$0	\$0	\$0
Additional Restoration Project Evaluations	\$103,110	\$0	\$103,110
Restoration Project Totals:	\$206,226	\$0	\$206,226
Total	\$526,301	\$288,527	\$814,829
25% contingency for future cost estimates	\$131,575	\$72,132	\$203,707
Totals	\$657,877	\$360,659	\$1,018,536

#### **6.4 Electronic Funds Transfer**

Funding approved by NPFC may be transferred electronically to the DOI NRDAR Fund account established for this case. Detailed transfer instructions appear below.

Please reference “NRDA 14X5198” and the site name on check or transmittal letter and note the following:

**Preferred method of electronic transfer:** Automated Clearing House (ACH)

**Receiver name:** DOI Restoration Fund ALC 14010001

**Receiver Tax ID Number:** 53-0196949

**Receiver address:** 7401 West Mansfield Ave., Mailstop D-2770, Lakewood, CO 80235

**Receiver bank:** Federal Reserve Bank, New York, NY ABA # 051036706

**Receiver ACH Account No.:** 312024

## 7.0 CERTIFICATION AND SIGNATURE

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### *Certifications and Signature*

I, the undersigned, certify the accuracy and integrity of this claim and certify that actions taken or proposed were or will be conducted in accordance with the OPA and consistent with all applicable laws and regulations.

I, the undersigned, certify that, to the best of my knowledge and belief, no trustee(s) other than those identified in this claim has the right to present a claim for the same natural resource injuries and that payment of any subpart of this claim would not constitute double recovery for the same natural resource injuries.

I, the undersigned, agree that upon acceptance of any compensation from the Oil Spill Liability Trust Fund, I will cooperate fully with the United States in any claim or action by the United States to recover the compensation. The cooperation shall include, but is not limited to, immediately reimbursing to the Oil Spill Liability Trust Fund any compensation received from any other source for the same costs and/or damages and, providing any documentation, evidence, testimony, and other support, as may be necessary for the Oil Spill Liability Trust Fund to recover such compensation.

I, the undersigned, certify that, to the best of my knowledge and belief, the information contained in this claim represents all material facts and is true. I understand that misrepresentation of facts is subject to prosecution under Federal law (including but not limited to 18 U.S.C. 287 and 1001).

I, the undersigned, certify that the assessment will be conducted in accordance with the Damage Assessment Regulations at 15 CFR 990 (promulgated by NOAA)

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Robyn Thorson  
USFWS Regional Director, Region 1  
Authorized Official for Oregon/Washington Mystery Spill

Date \_\_\_\_\_

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