

April 2020

BP Oil Disaster:
Restoration & Recovery

Overview of the Natural Resource Damage Assessment (NRDA)

10 YEAR
REVIEW



N A T U R A L R E S O U R C E D A M A G E A S S E S S M E N T

When an oil spill occurs, natural resources like fish, birds, and marshes may be injured. A **natural resource damage assessment (NRDA)** is a process focused on figuring out what those injuries are, coming up with a plan to fix those injuries, and then fixing them. This includes compensating the public for not being able to use the resources while they are injured (e.g., no recreational fishing or beach access). The costs of the NRDA are paid by the parties responsible for the spill.

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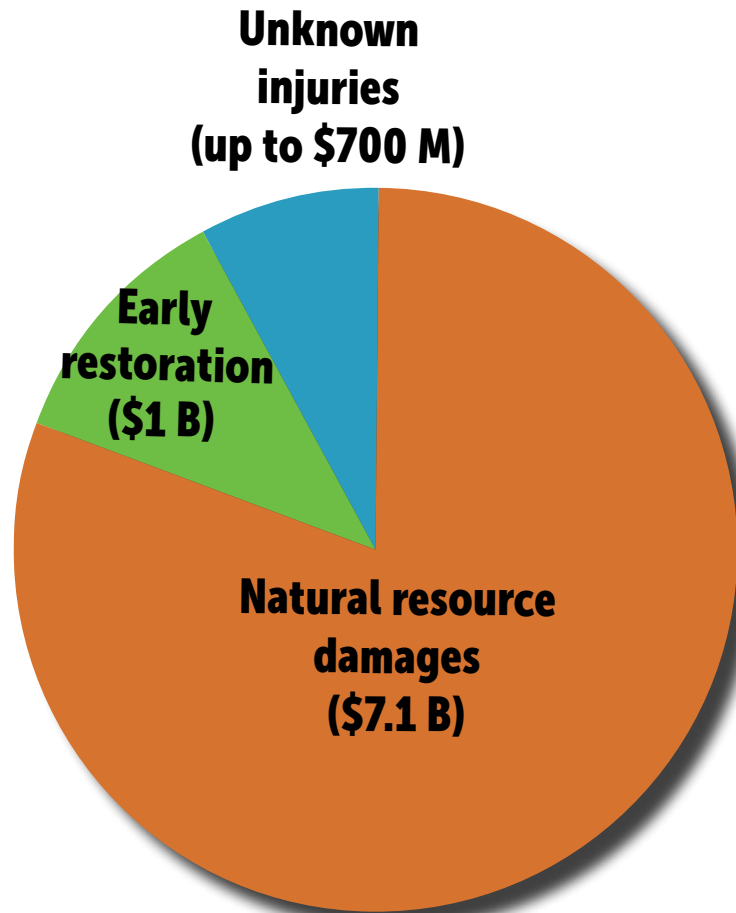
Shortly after oil started to flow into the Gulf in 2010, the **natural resource damage assessment (NRDA)** began. The NRDA is managed by a group of federal and state representatives called “trustees.”

In April 2011, BP agreed to pay up to \$1 billion so that some natural resource restoration projects could be started early (i.e. before the trustees had identified all of the injuries). This was called “early restoration.” Approximately \$870 million was obligated to projects during early restoration.

In April 2016, a federal court approved a settlement among the United States, five Gulf states, and BP. Under that settlement, BP agreed to pay a total of \$8.8 billion for natural resource damages.

HOW IS THIS MONEY DIVIDED?

The \$8.8 billion includes funding for:



Early restoration

This money has already been paid, and most of it has already been allocated to projects.

Unknown injuries

Additional monies for unknown injuries and adaptive management, which will be funded from two sources:

- **Interest:** accrued but unpaid interest can be paid starting in 2026.
- **Other payment:** \$232 M will be paid in 2032.

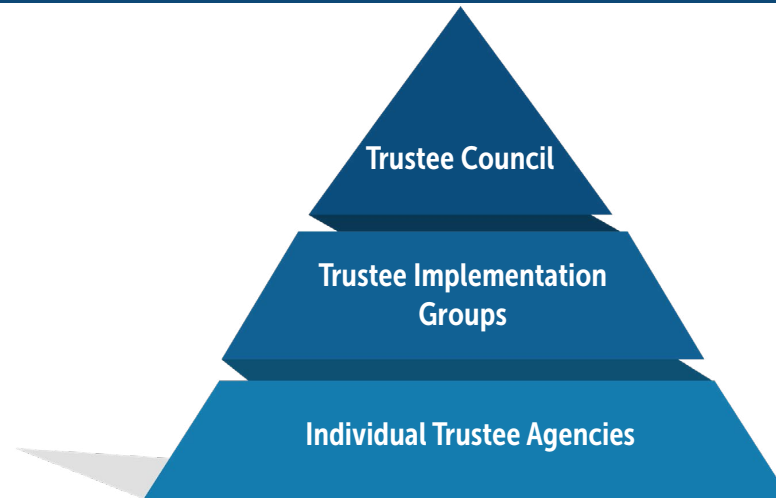
Natural resource damages

Payments will occur over a 15-year time period, with the first payment made in 2017.

A large document called the “Programmatic Damage Assessment and Restoration Plan,” finalized in 2016, provides “guidance for...selecting future restoration projects” with the money.

WHO IS IN CHARGE?

The restoration process is being managed by a group of federal and state representatives (called “trustees”) that formed a “Trustee Council” in order “[t]o work collaboratively on the NRDA.” The settlement created a new governance structure for the trustees, dividing responsibilities among three main groups:



Each of these groups has different responsibilities, but most of the decisions regarding restoration are made by the Trustee Implementation Groups (TIGs). There is one TIG for each restoration area. The members of each TIG vary:

| | | | | |
|--|--|--|--|--|
| <u>ALABAMA</u> <ul style="list-style-type: none">• AL trustees• Federal trustees | <u>FLORIDA</u> <ul style="list-style-type: none">• FL trustees• Federal trustees | <u>LOUISIANA</u> <ul style="list-style-type: none">• LA trustees• Federal trustees | <u>MISSISSIPPI</u> <ul style="list-style-type: none">• MS trustees• Federal trustees | <u>TEXAS</u> <ul style="list-style-type: none">• TX trustees• Federal trustees |
| | <u>REGION WIDE</u> <ul style="list-style-type: none">• Trustee Council | <u>OPEN OCEAN</u> <ul style="list-style-type: none">• Federal trustees | <u>UNKNOWN CONDITIONS</u> <ul style="list-style-type: none">• All trustees | |

HOW MUCH OF THE \$8.8 BILLION HAS BEEN SPENT SO FAR ACROSS THE GULF?

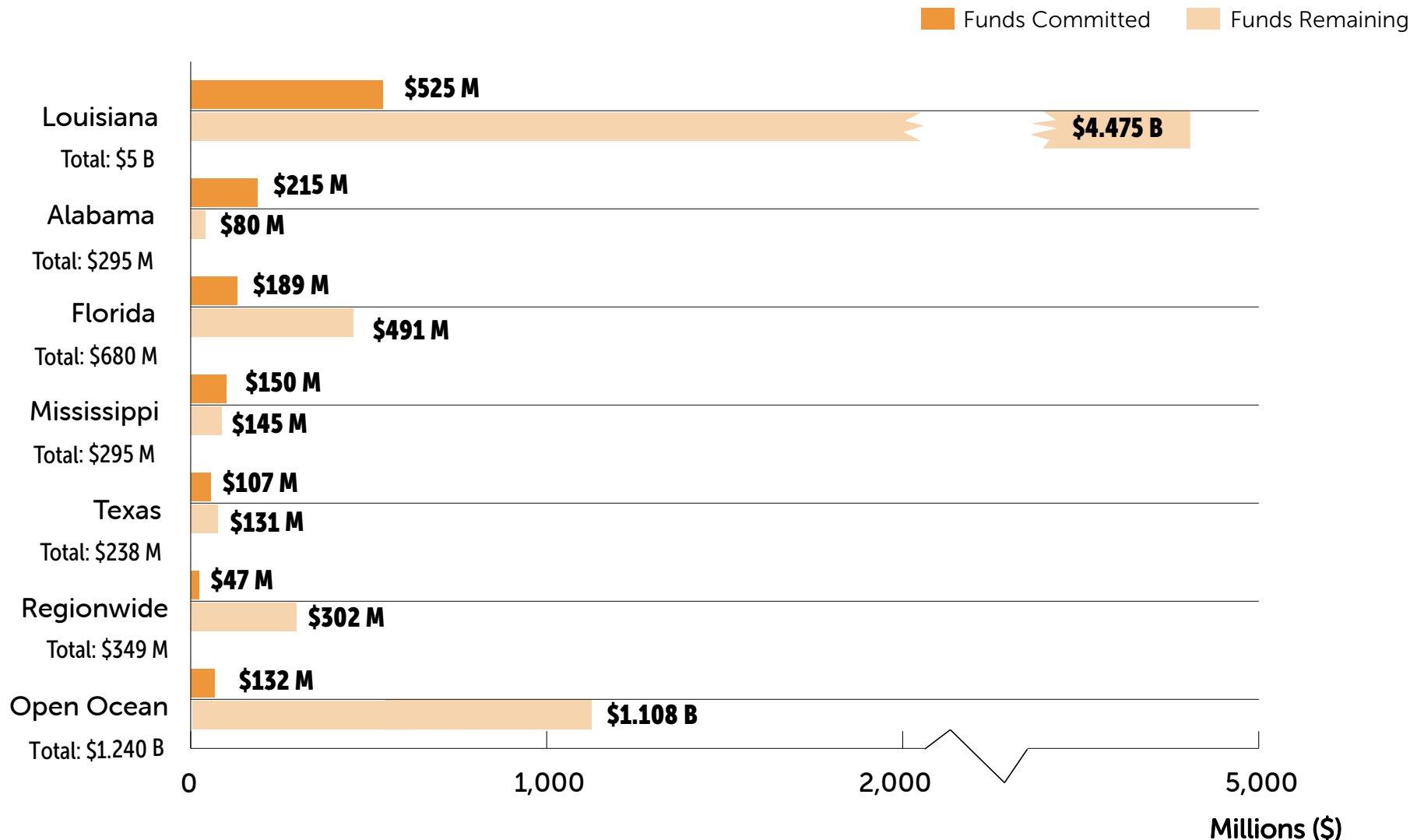
**\$1.366 B Spent
or Designated to
Projects, Programs,
and Planning**

As of March 1, 2020, \$1.366 billion has been spent or designated to projects, programs, and planning. That means approximately \$7.434 billion remains, including the \$700 million designated for presently unknown injuries and adaptive management.

So far, just over 200 NRDA projects are in progress, completed, or in the monitoring stage.

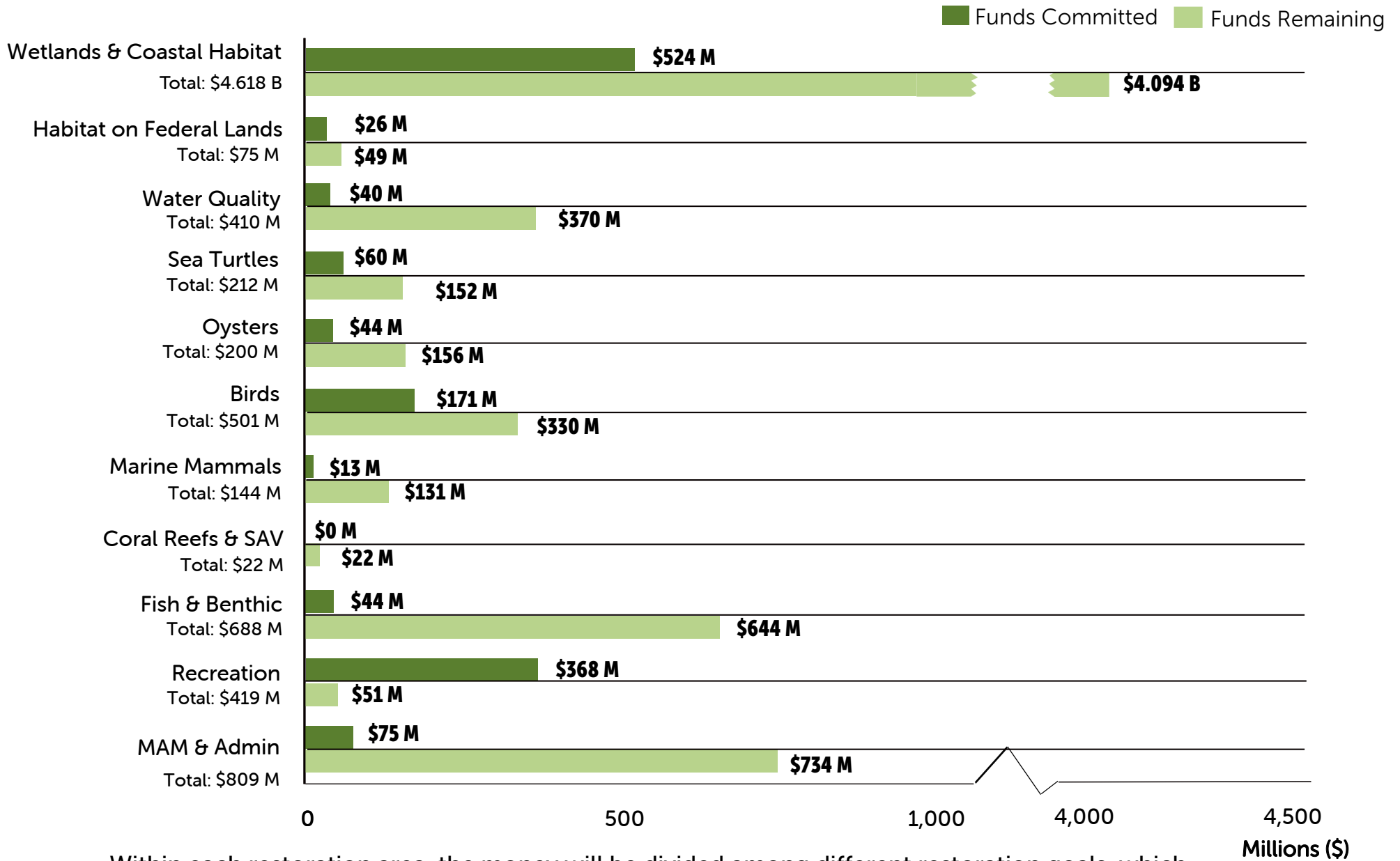
**\$7.434 B
Remaining**

NRDA FUNDS COMMITTED BY RESTORATION AREA



Up to \$8.8 billion will be divided among eight different “restoration areas”: the five Gulf states, Open Ocean, Regionwide, and Unknown Injuries and Adaptive Management (AM). This chart shows how much money each restoration area is receiving and how much has been committed as of March 1, 2020.

NRDA SPENDING GULFWIDE BY RESTORATION TYPE



Within each restoration area, the money will be divided among different restoration goals, which are further divided into different restoration types as shown here. This chart shows how much is spent and remaining in each restoration type as of March 1, 2020.

**Over \$922
million**

of NRDA funds spent on
over 130 ecological
projects Gulfwide



**Over \$368
million**

of NRDA funds spent on
over 70 recreational
projects Gulfwide



**Over \$75
million**

of NRDA funds spent on
planning and adaptive
management



HOW CAN I PARTICIPATE?

There are different ways the public can participate in the NRDA process here. Some of these opportunities are highlighted below:



GENERAL — There are some general opportunities for the public to participate:

- **Public meetings:** The trustees have committed to an annual public meeting for the Trustee Council (TC) and for each of the trustee implementation groups (TIGs).
- **Standard Operating Procedures (SOPs):** The Trustee Council has released its SOPs, which will continue to be revised and each TIG may produce its own SOPs. Although the SOPs have not been open to the public for comment, the public may be able to informally participate in their future development (e.g. writing letters, attending meetings).

PLANNING — There are ways for the public to participate in restoration planning:

- **Project development:** The public can suggest project ideas (e.g., on the trustees' website). The public will be notified when a TIG is starting restoration planning, and may be updated on those efforts.
- **Draft restoration plans:** The public will have the opportunity to comment on draft restoration plans as they are released.

IMPLEMENTATION — There may also be opportunities to engage during implementation:

- **Other laws:** The restoration projects may trigger other laws and regulations that provide the public with opportunities to engage.
- **Program review:** According to the PDARP, "[t]he Trustee Council may re-examine the restoration program approximately every 5 years..." While no public role has been defined in that review, it will likely be an important point to try to engage.

MONITORING AND ADAPTATION — The public will have access to at least some monitoring data.

The trustees released a Monitoring and Adaptive Management Manual (Version 1.0) in January 2018, with an update in 2019. Although this was not open to the public for comment, there may be a way to informally participate in future developments (e.g. writing letters, meetings).