

Ocean King/Great Harbor Fuel Spill Natural Resource Damages Settlement *Restoration Planning*



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Background

- * Federal and state laws govern cleanup when there is a release of hazardous materials or oil
- * Federal and state laws also authorize Natural Resource Trustees to recover damages to compensate the public for injuries to natural resources



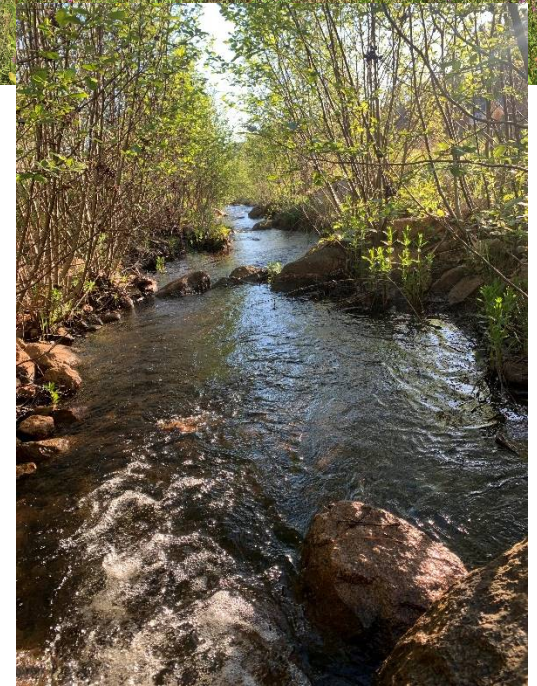
Background

- * **Cleanup**

- * Assess contamination & control source
- * Reduce risk to human health & environment

- * **Damage Assessment & Restoration**

- * Assess extent and duration of natural resource injuries
- * Collect monetary damages
- * Restore the injured resources & compensate public for losses



Background

- * Natural resource settlements **cannot** be used to fund required clean-up activities.
- * Natural resource settlement is intended to compensate the public above and beyond required cleanup by restoring the resources that were injured.

Example of Natural Resource Injury and Restoration: Bouchard Oil Spill

Oiled shoreline impacted
intertidal habitat and public use



Habitat restoration via dam
removal, shoreline land
acquisition and protection,
equipment for public access



Over \$80 million in Natural Resource Damages settlements in Massachusetts

New Bedford Harbor \$20M

Bouchard B-120 \$19.3M

GE/Housatonic \$15M

Fireworks (Tronox) \$6.8M

Gloucester MGP \$5.3M

IndustriPlex \$4.2M

Nyanza \$3.1M

Sutton Brook \$1.65M

Textron/MMR \$1.3M

Charles George \$1.2M

Blackburn & Union \$1M

Rubchinuk \$747,000

Holyoke Coal Tar \$500,000

Global/Irving \$312,500

Island End \$300,000

Ocean King \$100,000*

What are Natural Resources

- * Biota and their habitats
- * Soil and Sediment
- * Water (both groundwater and surface water)
- * Air



Natural Resource Services

- * Food (fishing, hunting, shellfishing)
- * Medicinal Resources
- * Water and Air Purification
- * Pest and Disease Control
- * Stormwater Retention
- * Carbon Sequestration and Climate Regulation
- * Recreation
- * Spiritual and Cultural Use

Natural Resource Trustees

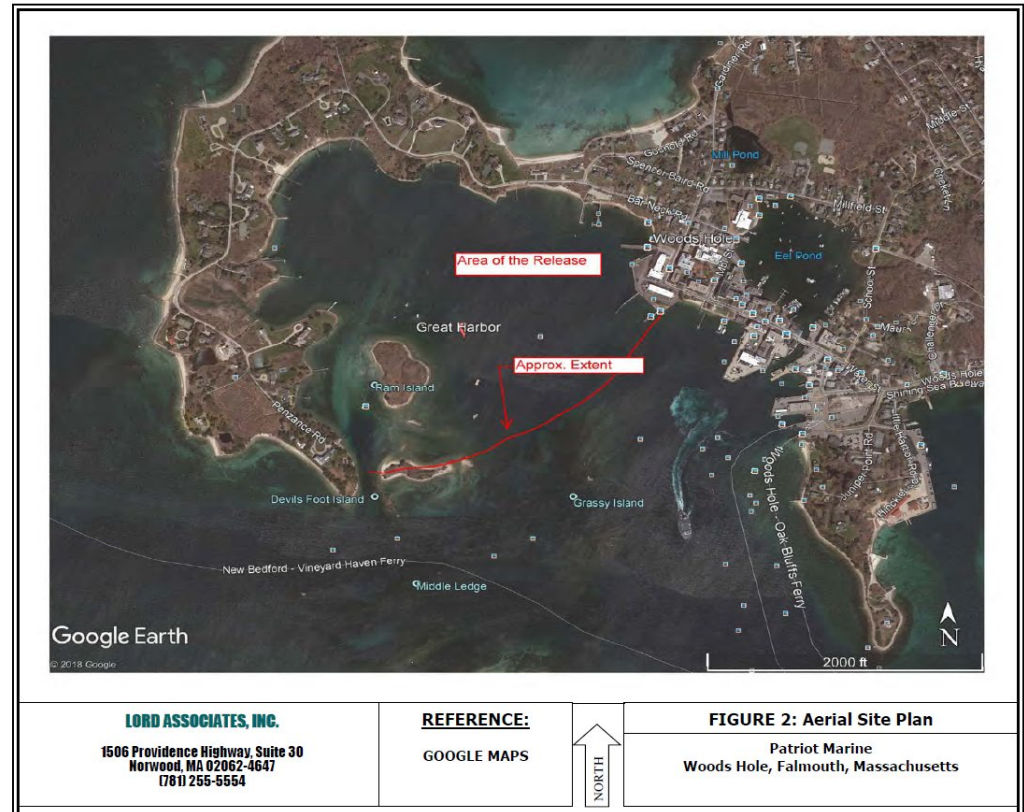
- * Who are the Natural Resource Trustees for the site?
 - * Department of Interior, represented by U.S. Fish and Wildlife Service
 - * Secretary of Energy and Environmental Affairs, represented by MassDEP



Shoreline of Great Harbor, Woods Hole, MA, 01/21/2018

Natural Resource Damages

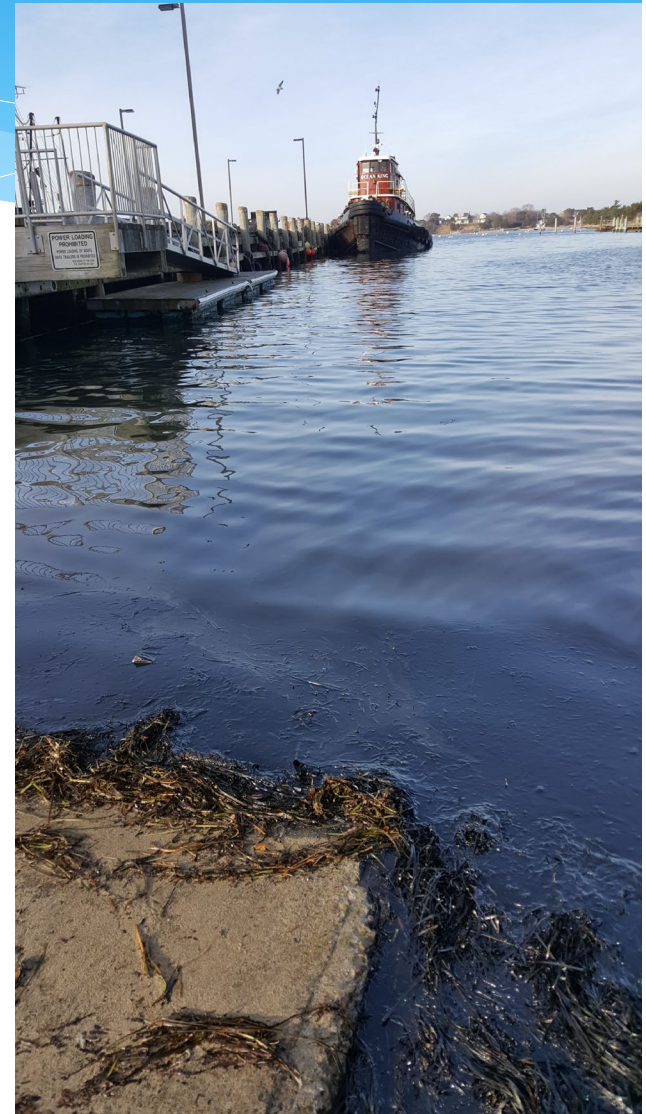
- * In January 2018, oil was released from M/V Ocean King into Great Harbor in Woods Hole.
- * Release injured migratory birds, recreational shellfishing, and shoreline resources.



Natural Resource Damages

- * How were damages assessed?
 - * Quantified extent of injuries over space and time
 - * Estimated how much it would cost to restore injured natural resources
 - * Developed a claim and negotiated with responsible parties
 - * Consent Judgement finalized in May 2024
 - * Result: \$100,000 settlement
 - * Trustees obtained additional funds from Department of the Interior

Funds available for restoration = \$370,000



Next Steps

- * Settlement finalized. . . now what?
 - * Trustees work with stakeholders and the public to write a restoration plan to restore, replace or acquire the equivalent of the natural resources injured
- * What will be in the restoration plan?
 - * Range of restoration projects considered
 - * Assessment of ecological, socioeconomic, cultural and historical effects of restoration projects

What types of projects qualify?

- * Wetland and salt marsh restoration
 - * restore wetland hydrology (e.g., remove fill, undersized culverts)
 - * remove invasive species and restore native plants
- * Coastal land protection
- * Eelgrass and shellfish restoration
- * Projects that improve coastal water quality and/or reduce stormwater runoff
- * Marine Debris cleanup



What types of projects qualify?

- * **Species-specific restoration targeting impacted species**
 - * Increase productivity and/or enhance migratory bird and shellfish habitat (i.e., common eider, white winged scoter, and long-tailed duck)



What projects *don't* qualify?

- * Activities that are otherwise required by law or permit (e.g., site cleanup, wetland mitigation, required stormwater improvements)
- * Projects that don't restore same or similar resources (e.g., playgrounds, community gardens, recycling programs)

How will project ideas be generated?

- * Natural Resource Trustees identify and evaluate project ideas with input from stakeholders and the public through:
 - * Public meetings
 - * Project Information Form
 - * Outreach to local communities
 - * Outreach to Agencies and non-governmental organizations

Project Information Form

Natural Resource Damage Assessment (NRDA) Restoration Project Information Sheet			
1 Project Activity(s)	<input type="checkbox"/> Check all that apply: <input type="checkbox"/> Restoration <input type="checkbox"/> Policy Research <input type="checkbox"/> Multidisciplinary Management <input type="checkbox"/> Protection <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Education		
2 Project Habitat(s)	<input type="checkbox"/> Check all that apply: <input type="checkbox"/> Riparian <input type="checkbox"/> Marine/Terrestrial Wetlands <input type="checkbox"/> Beach/Dune <input type="checkbox"/> Estuary <input type="checkbox"/> Subtidal Hardbottom <input type="checkbox"/> Subtidal Open Ocean Offshore		
3 Resource Benefit(s)	<input type="checkbox"/> Check all that apply: <input type="checkbox"/> Natural Monument <input type="checkbox"/> Wildlife <input type="checkbox"/> Water Column <input type="checkbox"/> Air <input type="checkbox"/> Protected Wildlife <input type="checkbox"/> Sediment Services <input type="checkbox"/> Biological Resources <input type="checkbox"/> Coast <input type="checkbox"/> Shoreline <input type="checkbox"/> Fish <input type="checkbox"/> Geological <input type="checkbox"/> Historic/Cultural Resources All the project activity benefit(s) listed are mutually exclusive from one another. If not, please indicate N/A.		
4 Project Status	Property Acquisition <input type="text"/> Project Planning/Design <input type="text"/> Project Permitting <input type="text"/> Is the project included under a regional or state/federal plan? <input type="checkbox"/> Yes <input type="checkbox"/> No If applicable: <input type="text"/>		
5 Project Costs	Estimated Cost <input type="text"/>	Funding Available <input type="text"/>	
6 Project Partners	Partner 1 Organization <input type="text"/> Partner 1 Contact <input type="text"/> Partner 2 Organization <input type="text"/> Partner 2 Contact <input type="text"/> Partner 3 Organization <input type="text"/> Partner 3 Contact <input type="text"/> Partner 4 Organization <input type="text"/> Partner 4 Contact <input type="text"/>		

Disclaimer:
The submission of project information does not guarantee project funding. Projects will be analyzed using criteria identified in OFA, NEPA, implementing regulations, and related laws. Selection and funding determinations will be made by the Trustee Council.

How will project ideas be evaluated?

- * Detailed and comprehensive review process
- * Trustees utilize guidance and criteria from NRDAR regulations to evaluate and prioritize projects (43 CFR 11.82)

How will project ideas be evaluated?

- * How physically close is project to injured site?
- * Extent to which the project restore resources that were harmed?
- * Is the project feasible/sustainable? Could it get permitted?
- * What is the cost/cost-effectiveness?
- * What is the likelihood of success?
- * Could there be any negative effects?
- * Could more than 1 natural resource benefit?

Writing a Restoration Plan

- * Plan will present and evaluate several restoration project scenarios
- * Trustees will identify a “preferred” scenario
- * Public meeting and comment period



Estimated Restoration Plan Timeline

- * **November 13, 2024:** Public Meeting, Project information sheet released
- * **January 13, 2025:** Project information sheets due to USFWS (via email to Whitney Behr)
- * **Winter/Spring 2025:** Evaluate restoration projects
- * **Fall 2025:** Release draft restoration plan
- * **Fall 2025:** Public meeting and comment period
- * **Spring 2026:** Publish final restoration plan

IMPLEMENT RESTORATION PLAN!

We Need Your Help

We need your help to find good projects and achieve the best possible restoration outcomes



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<https://www.mass.gov/info-details/natural-resource-damages-program-restoration-funds>

Questions?

