



*Natural Resource Damage Assessment  
(NRDA)*

**Framework Agreement  
Early Restoration Projects**

# *Why are we here?*

- Since the April 20, 2010, explosion of the Deepwater Horizon offshore drilling platform the focus has been on response and recovery.
- We are now ready to move to the next phase – restoration – through the Oil Pollution Act of 1990 and the Natural Resource Damage Assessment.
- The restoration process is long-term, but today we will be focusing on early restoration as it relates to the Framework Agreement signed by the Trustees and BP.

# *Oil Protection Act of 1990*

- Under OPA, natural resource damage must be addressed by responsible party(ies) according to the Natural Resource Damage Assessment process.
- Managed by the Deepwater Horizon Oil Spill Trustee Council (Trustees)
  - Trustees are: Texas, Louisiana, Mississippi, Alabama, Florida, DOI and NOAA
  - DEP is the lead trustee agency for Florida, represented by Mimi Drew. FWC is the co-trustee agency, represented by Nick Wiley.

# *What is NRDA?*

- Legal process to determine the type and amount of restoration needed to compensate the public for:
  - harm to **natural resources**
  - or loss of human uses of those **natural resources**
- Specifically addresses injuries that occurred as a result of the spill, response activities and lingering effects.
- Economic damages are NOT natural resource damages and are handled through processes separate from the NRDA process.

# *Framework Agreement*

- On April 21, 2011 the Framework Agreement was signed by the Trustees and BP to provide \$1 billion for early restoration projects.
- This represents a down payment by BP, but does not affect their overall ultimate liability for natural resource or other damages.
- The Trustees' goal is to complete project selection and negotiations with BP to have the first \$500 million committed to viable projects by October 2011.

# *Early Restoration Projects*

- Nearly 180 potential Florida restoration projects have been submitted totaling \$2.2 billion in estimated costs.
- Projects will continue to be accepted throughout the NRDA process.

# *Early Restoration Project Criteria*

**Oil Pollution Act & Framework Agreement require that projects address ALL of the following:**

1. Contribute to making the environment and the public whole by restoring, rehabilitating, replacing, or acquiring the equivalent of natural resources or services injured as a result of the Deepwater Horizon Oil Spill or response (collectively, "incident"), or compensating for interim losses resulting from the incident;

# *Early Restoration Project Criteria*

2. Address one or more specific injuries to natural resources or services associated with the incident;
3. Seek to restore natural resources, habitats or natural resource services of the same type, quality, and of comparable ecological and/or human use value to compensate for identified resource and service losses resulting from the incident;

# *Early Restoration Project Criteria*

4. Are not inconsistent with the anticipated long-term restoration needs and anticipated final restoration plan;
5. Are feasible and cost effective.

# *Early Restoration Review Process*

- DEP and FWC staff review all projects against framework/NRDA criteria.
- Independent consultant reviews again to ensure best fit.
- Final decision by State Trustee on projects to move forward immediately to the Trustee Council.

# *Early Restoration Review Process*

- Once set of projects selected, Trustee takes to Trustee Council.
- Full Council reviews and majority must approve.
- Projects then go to BP for review and approval.
- Negotiations begin with BP to determine credit.

# *Public Input*

- Public comment will be accepted throughout the process on projects meeting the criteria.
- Public Meeting – July 12 - 5:30 p.m. to 8 p.m. (Central)
  - Escambia County Central Office Complex
  - Get public input on projects selected for consideration.

# *Project Submissions*

- To submit a project visit:  
[www.gulfspillrestoration.noaa.gov/restoration/give-us-your-ideas](http://www.gulfspillrestoration.noaa.gov/restoration/give-us-your-ideas)
- In addition, please send to Rebecca Wintering at  
[Rebecca.Wintering@dep.state.fl.us](mailto:Rebecca.Wintering@dep.state.fl.us)