



BUDGET The United States
Department of the Interior

JUSTIFICATIONS

and Performance Information
Fiscal Year 2025

**NATURAL RESOURCE
DAMAGE ASSESSMENT AND
RESTORATION PROGRAM**

NOTICE: These budget justifications are prepared for the Interior, Environment and Related Agencies Appropriations Subcommittees. Approval for release of the justifications prior to their printing in the public record of the Subcommittee hearings may be obtained through the Office of Budget of the Department of the Interior.



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NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION PROGRAM

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General Statement

FY 2025 Budget Request

The Natural Resource Damage Assessment and Restoration Program's (NRDAR Program) Fiscal Year 2025 request for current appropriations is \$8,037,000, an amount equal to both the FY 2024 Annualized CR level and the FY 2023 enacted level. The request advances the on-the-ground restoration of natural resources injured by oil spills and the release of hazardous substances into the environment. The NRDAR Program will utilize requested funds to effectively deliver science-driven habitat restoration in collaboration with co-trustees using the growing balance of funds recovered in settlements.

Deposits from settlements into the Natural Resource Damage Assessment and Restoration Fund (NRDAR Fund) continue to exceed \$600 million annually and will continue to do so through the next decade. Fiscal Year 2025 receipts are estimated to reach \$670 million, largely due to the finalized settlement for natural resource impacts arising from the Deepwater Horizon oil spill in the Gulf of Mexico. Between 2017 and 2031, the Deepwater Horizon settlement will deliver up to \$8.8 billion to the NRDAR Fund in annual installments of \$490 million. In addition, a few long-running damage assessment cases have recently settled, while others are pending court approvals, and still others are in negotiations progressing towards settlement. The influx of settlement funds is expected to continue as these additional cases settle. While this means additional funding is deposited into the NRDAR Fund, the vast majority of these restoration settlements are shared jointly with other Federal, State, and Tribal co-trustees, and the use of settlement funds must be jointly approved by the trustees for a given case. While the Department of the Interior (Department) can rarely take unilateral action to use the funds, the Department continues to prioritize the delivery of funds for collaborative on-the-ground restoration projects.

The NRDAR Program is committed to maximizing benefits for both injured natural resources and for the American public's use and enjoyment of these resources. Many of these restoration actions will offer opportunities to address climate resiliency on lands and waters, to promote science-driven conservation and stewardship, and to collaboratively engage locally led efforts to establish access and trails and open space in underserved communities. With more than \$2.0 billion dollars in settlement funds presently in the NRDAR Fund, and with additional settlements and payments on the horizon, moving forward deliberately and strategically to plan and implement collaborative restoration actions at dozens of sites nationwide will produce significant ecological, economic, and recreational benefits.

Total 2025 Budget Request
(Dollars in Thousands)

Budget Authority	2023 Actual	2024 Annualized CR	2025 President's Budget	Change from 2024 Annualized CR
Current	8,037	8,037	8,037	0
Mandatory	607,479	700,000	670,000	-30,000
TOTAL	615,516	708,037	678,037	-30,000
<i>FTE</i>	<i>17</i>	<i>18</i>	<i>19</i>	<i>+1</i>

Fiscal Year 2025 fixed costs of \$54,000 are fully funded within the request; the budget also includes \$330,000 in baseline capacity increases which reflect the incremental amount needed to cover the fixed costs associated with mission operations in FY 2024. This request in combination with the FY 2025 fixed costs amounts will allow the program to meet must pay requirements without impacting program activities.

The FY 2025 request also includes an estimate of \$670 million in permanent mandatory funds from negotiated legal settlement agreements and cooperative damage assessments with responsible parties and earned interest to be applied to the restoration of injured natural resources by the Department and its co-trustees for each case.

Executive Summary

The mission of the NRDAR Program is to restore natural resources injured as a result of hazardous substance releases into the environment. In partnership with other affected State, Tribal, and Federal co-trustee agencies, the NRDAR Program conducts science-based damage assessments that provide the basis for determining the restoration needs that address the public’s loss and use of these resources. Cooperation with its co-trustees and partners, and where possible, with the responsible parties, is an important component of meeting the NRDAR Program’s core mission.

Within this budget request, the NRDAR Program will support the Administration’s priorities such as incorporating climate science during restoration project planning to evaluate the long-term viability of projects, determining the applicability of habitat acquisition and protection as a means of restoring injured resources, supporting Tribal Nations engaged in NRDAR cases, and engaging local and underserved communities during damage assessment, restoration planning, and restoration implementation.

The NRDAR Program is designed to cooperate with co-trustees to restore impaired natural resources that the Department manages. Damages are assessed and appropriate restoration projects identified to inform

negotiated settlements or, in rare cases, litigation with potentially responsible parties. Recoveries, via in cash or in-kind services, from the potentially responsible parties finance or implement resource restoration, pursuant to a publicly-reviewed restoration plan.



The **Office of Restoration and Damage Assessment (ORDA)** oversees the NRDAR Program at the Department. To accomplish the mission of the NRDAR program, ORDA manages the confluence of the technical, ecological, biological, legal, and economic disciplines and coordinates the efforts of six bureaus and three Departmental offices. The NRDAR Program has a nationwide presence encompassing nearly the full span of natural and cultural resources for which the Secretary of the Interior has trust responsibility. Each bureau has its unique natural resource trusteeship and brings its expertise to bear on relevant sites. The NRDAR Program is an integrated Departmental program, drawing upon the interdisciplinary strengths of its bureaus and offices, while eliminating or minimizing redundant bureaucratic and administrative operations and expenses.



The **Bureau of Indian Affairs** is responsible for the administration and management of nearly 56 million surface acres and 59 million acres of sub-surface minerals estates held in trust by the United States for American Indians, Indian Tribes, and Alaska Natives, and provides assistance to 574 federally recognized Tribal governments to help protect water, natural resources and land rights.



The **Bureau of Land Management (BLM)** administers more than 244 million acres of Federal land located primarily in 12 Western States, including Alaska, characterized by grasslands, forests, deserts, coastline, and arctic tundra and an additional 700 million acres of onshore Federal mineral estate. The BLM sustains the ecological and economic health, diversity, and productivity of these public lands for the use and enjoyment of present and future generations.



Working in 17 States west of the Mississippi River, the **Bureau of Reclamation** manages 490 dams and 294 reservoirs covering more than 10 million acres associated with irrigation projects to protect local economies and preserve natural resources and ecosystems through the management and effective use of water resources.



The **U.S. Fish & Wildlife Service (FWS)** conserves, protects, and enhances fish, wildlife, and plants and their habitats and manages over 85 million acres of land and waters within 570 National Wildlife Refuges, nearly 760 million acres of marine monuments, and 38 wetland management districts for the continuing benefit of the American people, providing primary trusteeship for migratory birds and over 2,000 threatened and endangered species.



The **National Park Service** preserves unimpaired the natural and cultural resources and values of the 85 million acres of land across the 428 units of the national park system and conserves the scenery and the natural and historic objects and the wildlife of these special places for the enjoyment, education, and inspiration of current and future generations.



In addition to the five bureaus with primary trust resource management activities, the **U.S. Geological Survey (USGS)** conducts scientific research in ecosystems, climate and land use change, environmental health and water resources, and provides access to natural resource science to support effective decision making on how to best restore injured natural resources impacted by the release of oil or hazardous substances in the environment.

The Office of the Secretary and the Office of the Solicitor also play key roles in making the NRDAR Program a fully integrated Departmental program. The Office of the Solicitor provides legal advice at both the program policy level and in all individual cases. In the Office of the Secretary, the Office of Policy Analysis provides economic analytical expertise to the NRDAR Program on both national policy and individual case management, and the Office of Environmental Policy and Compliance provides a link to response and remedial activities associated with oil spills or chemical releases.

The Department, through the NRDAR Program, conducts every damage assessment and restoration case in partnership with any co-trustees at various levels of government (Federal, State, and Tribal), and all restoration plans must undergo public review and be approved by affected State and Tribal governments. The NRDAR Program serves as a model of collaboration in its day-to-day operations and partnerships that have been developed with Tribal, State, and other Federal co-trustees, as well as with non-government organizations and industry.

The NRDAR Program supports and contributes to many of the Administration's priorities as they are inherently in sync with our mission and goals. For example, the National Environmental Policy Act (NEPA) evaluation and use of climate science help us to better evaluate the feasibility and projected longevity of proposed restoration projects. Restoration projects may include acquisition or the long-term protection of habitat. Restoration case teams are collaborative and inclusive, actively soliciting and engaging with local partners in identifying and implementing restoration projects to the benefit of all. The trustees often work with local community organizations to provide an educational component. Engaging with these community organizations, local youth have worked on projects to remove invasive species and monitor the success of habitat restoration.

Office of Restoration and Damage Assessment

The DOI Office of Restoration and Damage Assessment (ORDA) manages the NRDAR Program, and currently consists of eighteen (18) direct FTE. They include the Office Director, Deputy Director and seven NRDAR Program Office and budget staff, and one natural resource economist housed in the Office of Policy Analysis, and the Assistant Office Director for Restoration and seven Restoration Support specialists located in various field locations. The following organization chart goes beyond the small number of people in the ORDA and reflects the integrated management structure of the NRDAR Program as a whole, with the inter-related components of six bureaus, the Office of the Solicitor, and the Office of Policy Analysis.



The Office of Restoration and Damage Assessment (ORDA), which oversees the DOI NRDAR Program, reports to the Deputy Assistant Secretary – Policy and Environmental Management, under the Assistant Secretary - Policy, Management, and Budget (AS-PMB). The ORDA Office Director and ORDA staff work closely with the NRDAR Executive Committee representatives at the assistant director level for BIA, BLM, BOR, FWS and NPS, as well as a Deputy Associate Solicitor. The NRDAR Executive Committee is responsible for overseeing policy direction and approving allocation of resources to support assessment activities. The Technical Support Group is responsible for providing recommendations on policy and funding to the ORDA and the NRDAR Executive Committee.

Good Accounting Obligation in Government Act Report

The Good Accounting Obligation in Government Act (GAO-IG Act, P.L. 115-414) enacted January 3, 2019, requires that Agencies report the status of each open audit recommendation issued more than one year prior to the submission of the Agency's annual budget justification to Congress. The Act requires Agencies to include the current target completion date, implementation status, and any discrepancies on closure determinations.

The Department of the Interior leadership takes audit follow-up very seriously and considers our external auditors, to include the Government Accountability Office (GAO) and Office of the Inspector General, valued partners in not only improving the Department's management and compliance obligations but also enhancing its programmatic and administrative operations. As stewards of taxpayer resources, the Department applies cost-benefit analysis and enterprise risk management principles in recommendation implementation decisions. The Department's GAO-IG Act Report will be available at the following link: <https://www.doi.gov/cj>

The Economic Benefits of Restoration

Federal investments in ecosystem restoration and monitoring protect Federal trusts, ensure public health and safety, and preserve and enhance essential ecosystem services while often also generating business activity and creating well-paying American jobs. With support from ORDA and BLM, the USGS Fort Collins Science Center has estimated the economic impacts of 21 specific restoration projects. In the February 2016 report entitled, *Estimating the Economic Impacts of Ecosystem Restoration: Methods and Case Studies*, USGS found that ecosystem restoration projects provide meaningful economic contributions to local economies and to broader regional and national economies, and estimates that between 13 and 32 job-years¹ and between \$2.2 million and \$3.4 million in total economic output² are contributed to the national economy per million dollars invested in ecosystem restoration. These results demonstrate how investments in resource restoration support jobs, small businesses, and rural communities. To date, 11 case studies analyzing local economic job impacts of ecosystem restoration projects have been completed on NRDAR cases.

Economic impact analyses measure how inflows of spending to a local economy generate and support jobs and business activity. In the case of a restoration project, money is directly spent in a local economy on services such as construction and environmental consulting. Firms providing these services purchase materials like rocks and riprap, monitoring equipment, and grass seed to accomplish their work. In many cases, project supplies are purchased within the local economy. In order to meet the resultant increase in demand, suppliers must also increase their purchases of supplies from other industries. This chain of spending creates a ripple effect of economic activity. Economic input-output models capture the interactions between producers and consumers in an economy and describe the secondary impacts of project spending using regional economic multipliers.

¹ Job-years measure the total number of annualized full and part-time jobs accumulated over the duration of a restoration project.

² Economic output measures the total value of the production of goods and services supported by project expenditures and is equal to the sum of all intermediate sales (i.e., business to business sales) and final demand (i.e., sales to consumers).

ORDA coordinates across the NRDAR Program to evaluate and report on restoration and conservation outcomes to improve upon ecosystem services provided by the Department's trust resources. Building on past work by economists, ORDA has established methods to capture factors to complete additional economic impact studies in future years.

Summary of Requirements Table

<i>amounts in thousands</i>	2023 Actual		2024 Annualized CR		Fixed Costs	Internal Transfers	Program Changes	2025 Request		Change from 2024	
	Amount	FTE	Amount	FTE	(+/-)	(+/-)	(+/-)	Amount	FTE	Amount	FTE
Discretionary											
Total	8,037	17	8,037	18	+54	0	-54	8,037	19	0	+1
Permanent (Receipts)											
Gross Receipts	614,898	0	710,000	0	0	0	-30,000	680,000		-30,000	0
<i>Sequestration</i>	-399		-399		0	0	0	-399		0	0
<i>Previously Unavailable</i>	+399		+399		0	0	0	+399		0	0
<i>Transfers Out</i>	-7,419		-10,000		0	0	0	-10,000		0	0
Net Receipts	607,479	0	700,000	0	0	0	-30,000	670,000	0	-30,000	0

Disclosure of Administrative Expenses

Section 403 Division G of the Consolidated Appropriations Act, 2023 (P.L. 117-328) directs the disclosure of overhead, administrative, and other types of administrative support spending. The provision requires that budgets disclose current amounts and practices with regard to overhead charges, deductions, reserves, or holdbacks from program funding to support government-wide, Departmental, or bureau administrative functions or headquarters, regional, or central office operations.

For 2025, ORDA’s costs related to overhead, administration, and central/regional operations are addressed in three components of the budget, all under the heading of External Administrative Costs. These costs include amounts paid to bureaus, the Department, or other Executive Branch agencies to support bureau, Departmental or Government-wide administrative costs.

External Administrative Costs		
(Dollars in Thousands)		
	FY 2024 Annualized CR	FY 2025 Request
<u>DOI Working Capital Fund</u>		
Centralized Billings	166	97
Direct Billings (IT Shared Services)	81	52
Direct Billings (OS Shared Services)	<u>3</u>	<u>4</u>
Total, DOI Working Capital Fund	250	153
<u>DOI Interior Business Center</u>		
Financial Management Services	173	171
<u>Fish and Wildlife Service</u>		
FWS User-Pay Cost Share	110	115
<u>Bureau of Safety and Environmental Enforcement</u>		
Personnel / HR Services	80	80
<u>U.S. Geological Survey</u>		
Common Services Support	80	80
<u>U.S. Department of Justice</u>		
DOJ Sec. 108 3% Offset Authority	2,450	150

Charges related to the Departmental Working Capital Fund (WCF) shown in the table reflect ORDA's share of centralized Departmental expenses for items and expenses such as facility services, shared information technology management, security, mailroom services, costs associated with audited financial statements, and other WCF charges.

Charges related to the Office of the Chief Information Officer are for telecommunications, software licenses, and related services.

FWS levies its User-Pay Cost Share charges on damage assessment and restoration funds provided to the Service from the NRDAR Program. Funds collected by FWS are used to offset a range of administrative costs and enterprise-level information technology expenses. For 2025, User-Pay Cost Share charges to the NRDAR Program are estimated to be \$115,000. The amount identified for 2025 is an estimate based on 2024 workload, and the actual amounts to be billed may change depending upon actual 2024 workload, the timing of settlements, and the ability to recover such costs through settlement negotiations. Indirect costs are not assessed on previous settlements or in cases where FWS indirect costs were not included or recovered in the final settlement.

Charges related to the Bureau of Safety and Environmental Enforcement identified in the preceding table reflect the ORDA's share of personnel management and human resources (HR) services provided to the Office of the Secretary, covering items such as HR policies and procedures, staffing and delegated examining, employee classification, Senior Executive Service appointments, personnel security, reorganizations, and reductions-in-force.

The U.S. Geological Survey (USGS) applies a seven percent administrative assessment overhead charge to all funds provided to USGS, primarily to the Columbia Environmental Research Center. Funds collected by the Center are used to offset common client administrative and facility expenses. Funds provided to USGS from the Exxon Valdez Oil Spill settlement include a nine percent general administrative assessment.

The Department of Justice (DOJ) applies a three percent offset to some, but not all, civil litigation debt collections made on behalf of the NRDAR Program. Authority for these offsets can be found in Section 108 of the Commerce, Justice, and State Appropriations Act for Fiscal Year 1994 (P.L. 103-121, 107 Stat 1164 (1994)). The offset is applicable to collections where the Department is the sole recipient of the funds. Funds subject to the offset authority are credited to the DOJ Working Capital Fund. The DOJ offset authority is not applicable to restoration settlements jointly shared with non-Federal co-trustees that are collected by DOJ and deposited into the NRDAR Fund.

ORDA's Program Management activities, which includes administrative functions, funds management, and central and regional operations, does not assess or levy any internal program overhead charges, deductions, or holdbacks to support program operations.

Employee Count by Grade

Department of the Interior Natural Resource Damage Assessment and Restoration Employee Count by Grade (Total Employment)			
Employee Count by Grade	2023 Actuals	2024 Estimate	2025 Estimate
SES	1	1	1
Subtotal	1	1	1
GS/GM -15	4	5	5
GS/GM -14	4	3	3
GS/GM -13	4	5	5
GS -12	3	3	3
GS -11	1	2	2
GS -10	0	0	0
GS - 9	0	0	0
GS - 8	0	0	0
GS - 7	0	0	0
Subtotal, (GS/GM).....	16	18	18
Total employment (actuals & estimates)	17	19	19

Justification of Fixed Costs

Natural Resource Damage Assessment and Restoration Program			
Justification of Fixed Costs			
<i>(Dollars In Thousands)</i>			
Fixed Cost Changes and Projections	2024 Annualized CR	2024 Annualized CR to 2025 Request Change	Description
Change in Number of Paid Days	+20	+0	Total paid days for FY 2025 is 261 (2088 hours) which is the same number of days as FY 2024.
Pay Raise	+248	+145	The President's Budget for 2025 includes one quarter (October-December 2024) of the 5.2% pay raise for 2024 and three quarters (January-September 2025) of the estimated 2.0% pay raise for 2025.
Departmental Working Capital Fund	166	-69	The estimates reflect final decisions of the Working Capital Fund Consortium on the FY 2025 Working Capital Fund Central Bill.
Rental Payments	177	-22	This estimate reflects the FY 2025 President's Budget Exhibit 54s as submitted. The amounts reflect changes in the costs payable to General Services Administration (GSA) and others for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These estimates reflect MIB rent, Security, Federal Reserve Parking, and Operations and Maintenance, distributed by bureau and office, based upon OFAS provided MIB occupancy levels. Costs of mandatory office relocations, i.e. relocations in cases where due to external events there is no alternative but to vacate the currently occupied space, are also included.
Account Total Fixed Costs		+54	

Appropriations Language

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment, restoration activities, and onshore oil spill preparedness by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and 54 U.S.C. 100721 et seq., \$8,037,000, to remain available until expended.

Note. – A full-year 2024 appropriation for this account was not enacted at the time the Budget was prepared; therefore, the Budget assumes this account is operating under the Continuing Appropriations Act, 2024 and Other Extensions Act (Division A of Public Law 118–15, as amended). The amounts included for 2024 reflect the annualized level provided by the continuing resolution.

Authorizing Statutes

Comprehensive Environmental Response, Compensation, and Liability Act, as amended, (42 U.S.C. 9601 et seq.). Section 106 of the Act authorizes the President to clean up hazardous substance sites directly, or to obtain cleanup by a responsible party through enforcement actions. Trustees for natural resources may assess and recover damages for injury to natural resources from releases of hazardous substances and use the damages for restoration, replacement, or acquisition of equivalent natural resources. Provides permanent authorization to appropriate receipts from responsible parties.

Federal Water Pollution Control Act (Clean Water Act), as amended, (33 U.S.C. 1251-1387).

Authorizes trustees for natural resources to assess and recover damages for injuries to natural resources resulting from the discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, the waters of the contiguous zone, or in connection with activities under the *Outer Continental Shelf Lands Act* or the *Deepwater Port Act of 1974*, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States.

Oil Pollution Act of 1990, (33 U.S.C. 2701 et seq.) Amends the *Federal Water Pollution Control Act* and authorizes trustee(s) of natural resources to present a claim for and to recover damages for injuries to natural resources from each responsible party for a vessel or facility from which oil is discharged, or which poses a substantial threat of discharge of oil, into or upon the navigable waters or adjoining shorelines or the exclusive zone.

System Unit Resource Protection Act, (54 U.S.C. 100721-25). Provides that response costs and damages recovered under it or amounts recovered under any statute as a result of damage to any Federal resource within a unit of the National Park System shall be retained and used for response costs, damage assessments, restoration, and replacements. Liability for damages under this Act is in addition to any other liability that may arise under other statutes.

Natural Resource Damage Assessment and Restoration Fund; availability of assessments (43 U.S.C. 1474b). Provides permanent authorization for receipts for damage assessment and restoration activities to be available without further appropriation until expended.

Transfer of funds from Natural Resource Damage Assessment and Restoration Fund (43 U.S.C. 1474b-1). Provides authority to make transfers of settlement funds to other Federal trustees and payments to non-Federal trustees.

Dire Emergency Supplemental Appropriations for Fiscal Year 1992 (P.L. 102-229). Provides that the Fund's receipts are authorized to be invested and available until expended. Also provides that amounts received by United States in settlement of *U.S. v Exxon Corp. et al.* in FY 1992 and thereafter be deposited into the Fund.

Justification of 2025 Program Changes

The 2025 budget request for the NRDAR Program is \$8,037,000 and 19 FTE, a program change of -\$54,000 and +1 FTE from the 2024 CR level.

Reduce Inland Spill Training (-\$384,000)

In prior years, Inland Oil Spill Preparedness funds have been used for employee training and Departmental and bureau-level projects related to inland oil spill response. As a result, the Department now has a strong baseline oil spill response capacity in Departmental bureaus and is approaching a saturation point where previous levels of in-person training can be reduced. In addition, as a result of the COVID-19 pandemic, the Department has made significant advances in the use of technology and remote learning to provide training. Since 2015, a sufficient number of combined Departmental, other Federal, State, Tribal, non-governmental organization (NGO) and local government responders have completed Departmental inland oil spill response training, providing a cadre of trained responders for future incidents.

Baseline Capacity (+\$330,000)

The 2025 budget includes important investments in programs needed to help strengthen America and be more competitive as the world continues to change. These investments include funding needed to maintain a strong, talented workforce and the must pay requirements needed to continue to fulfill the NRDA mission. The budget includes \$330,000 in the Natural Resource Damage Assessment and Restoration Program which reflects the incremental amount needed to cover the fixed costs associated with mission operations in FY 2024. This request in combination with the FY 2025 fixed costs amounts will allow the program to meet must pay requirements without impacting program activities.

Overview of NRDAR Programs

Damage Assessment

Program Overview

Damage assessment activities are an important first step taken by the Department on the path to achieving restoration of natural resources injured through the release of hazardous substances and oil spills. The source, effect, and magnitude of the injury must first be identified, investigated, and thoroughly understood if the subsequent restoration is to be effective. Through the damage assessment process, physical and scientific evidence of the impact to natural resources is documented and analyzed, which then forms the basis for a claim for appropriate compensation (or in-kind services) to compensate the American public for the loss and use of injured natural resources managed by or under the control of the Department.

Damage assessment cases are conducted by one or more of the resource management bureaus within the Department: Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, and Bureau of Reclamation. Support for economic analysis is provided by the Office of Policy Analysis; scientific and technical analysis and support is provided by the U.S. Geological Survey; and the Office of the Solicitor provides legal counsel. In nearly all cases, the Department's assessment activities are carried out in partnership with other Federal, State, and/or Tribal co-trustees. These partnerships have proven advantageous, as cooperation, consultation, and collaboration amongst the trustees facilitates addressing multiple resource management concerns across different levels of governments and consolidates those concerns into a single case. Trustees can also share data, achieve economies of scale, avoid duplication of effort and minimize administrative burdens and expenses. Responsible parties also benefit, as they are able to address all trustee concerns in a single, unified case.



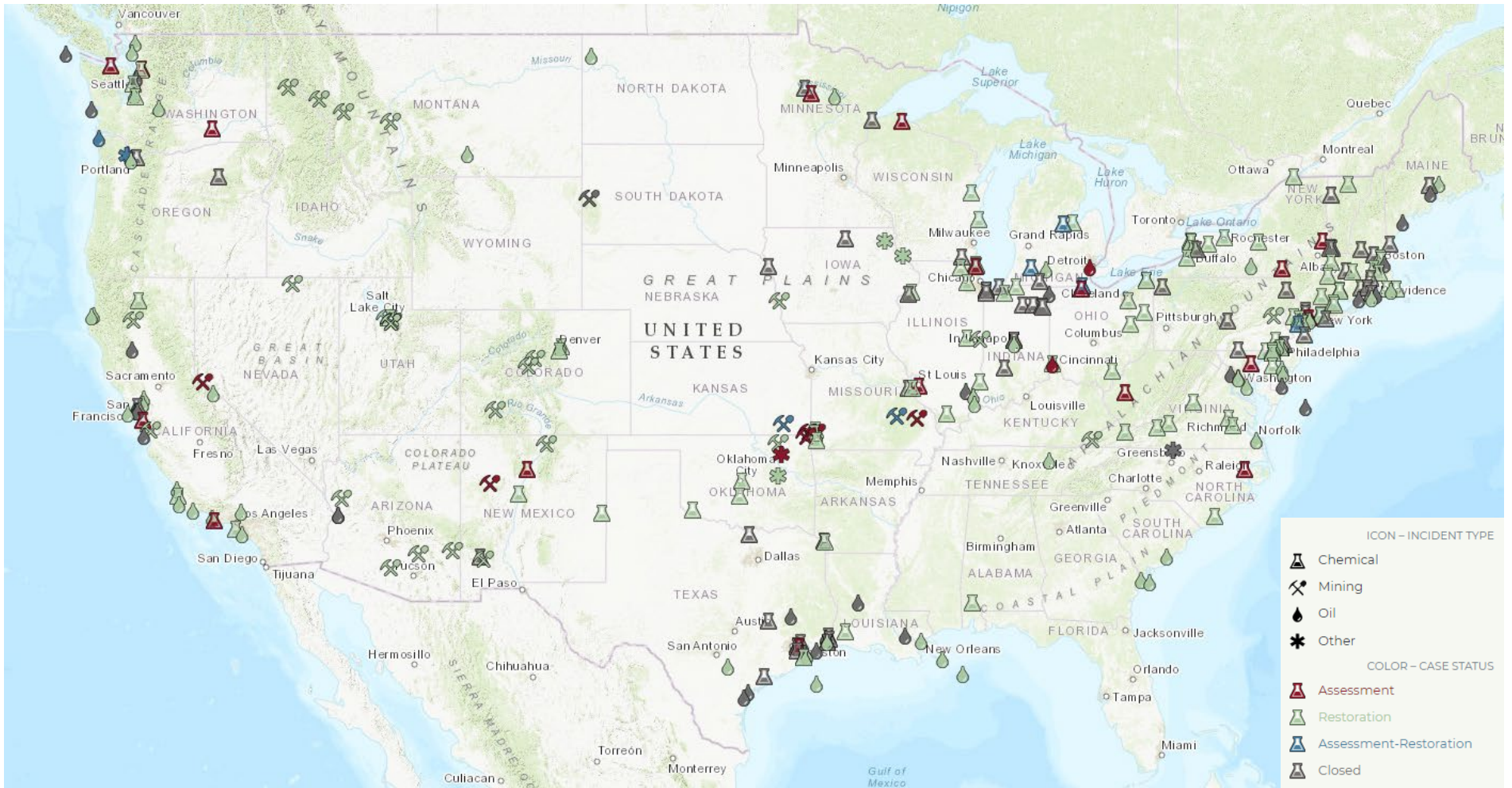
(right) Field biologists investigating juvenile mussel growth and weight in the Kanawha River, WV. (Photo credit FWS)

(left) Field biologists getting initial weights on juvenile mussels before being deployed. (photo credit WV DNR)

In 2025, ORDA will continue to utilize a mix of discretionary appropriations, recovered assessment costs from recent settlements, returned funds from completed assessments, as well as advanced funds from cooperative responsible parties, to meet its damage assessment workload requirements. Funding will support ongoing damage assessment efforts at approximately 33 sites and maintain the NRDAR Program's damage assessment capability. The NRDAR Program estimates 46 additional ongoing cases will continue to proceed towards settlement as well, using previously allocated funds from prior years, with potentially up to 10 cases settling in 2025.

The base damage assessment funding will allow ORDA to maintain the current caseload of damage assessment projects and its focus on the highest priority sites. Additionally, increased focus will be given to cases conducting damage assessment activities in areas consistent with an emphasis on supporting Tribal and underserved communities.

The map on the following page shows a snapshot of the Department's damage assessment and restoration cases from the Damage Assessment and Restoration Tracking System ([DARTS](#)). This map displays the current status of the cases (assessment, restoration, assessment/restoration, or closed), as well as the type of incident (oil, mining, chemical or other). This system currently shows case documents for 303 of the Department's NRDAR cases for which there is a publicly available document such as an assessment plan, consent decree, or restoration plan.



Restoration Support

The restoration of natural resources is the mission of the Department's NRDAR Program. Every action the NRDAR Program undertakes during the damage assessment phase is done with the end goal of restoration in mind. Upon the successful conclusion of a damage assessment and achieving settlement with the responsible parties, bureaus work in partnership with other affected State, Federal, Tribal and/or foreign co-trustees to use settlement funds to identify, plan, and implement restoration activities. The NRDAR Program continues its coordinated effort to focus greater attention on restoration activities and to expedite the application of settlement funds to develop and implement restoration plans. Upon request, the NRDAR Program's Restoration Support Unit (RSU) provides support to the Department's NRDAR case managers and teams and assistance with meeting various legal and regulatory compliance requirements, identifying possible partnering opportunities, and drafting appropriate documents. The RSU's involvement in assessments, for example, allows restoration options to be identified earlier, which increases the efficiency toward settlement and reduces restoration timelines. In addition, ORDA continues to work with the USGS to develop monitoring protocols to better measure restoration outcomes and the success and impacts of restoration efforts on the Department's trust resources.

Program Overview

Following the release of a hazardous substance, the natural resource trustees evaluate the impairments to trust resources and develop a restoration plan that outlines the restoration projects to be conducted. The goal of the restoration project is to restore resources or services lost as a result of the spill or release to baseline condition, or the level that would exist had the spill or release not occurred. For example, if an oil spill impacts beach dune habitat that is used by shorebirds for nesting, then a restoration project could be designed to restore or create similar dune or beach habitat. Similarly, if the removal of a hazardous chemical or substance from a wetland resulted in the loss of that wetland, the resulting restoration projects could be designed to restore the same wetland at its current location to baseline condition, or to replace or acquire equivalent habitat. Lastly, many incidents also negatively impact the public's use and enjoyment of the lands and resources, and thus, many restoration plans include projects to compensate the public for that loss, often by way of increased access to the restored resources and providing for enhanced recreational opportunities such as trails, boat and kayak launches, and fishing piers.

In meeting the NRDAR statutory and regulatory requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Oil Pollution Act to restore, replace, or acquire the equivalent of injured natural resources, these restoration activities encompass a wide variety of projects that support the Department's mission of conserving natural and cultural resources. By working with its co-trustees and local partners on restoration activities, the NRDAR Program can focus ecological restoration actions in a way that supports the Administration's initiatives and Departmental goals. ORDA estimates that over \$2 billion in settlement funds will be available in FY 2025 for restoration projects approved by co-trustees. In addition to settlement funds deposited into the NRDAR Fund, the Department is also party to other natural resource damage settlements where settlement funds are deposited into a court registry or some other account selected by the trustees. Additionally, there are a number of settlements where the responsible parties have agreed to undertake or implement the

restoration actions, with trustee agencies providing oversight to ensure compliance with the terms of the settlement and adherence to the approved restoration plan. Once fully implemented, the restoration actions are then evaluated through long-term monitoring by the trustees to ensure they have been effective and met the goals of the restoration plans.

In addition to restoration planning and on-the-ground project implementation, ORDA looks to state-of-the-art science and techniques to assist case teams and trustee councils. The RSU works with scientists within the government, partners with non-government organizations (NGO) with specific skill sets or utilizes in-house expertise to advance the science of restoration and monitoring. The following are two examples of such efforts:

- The ORDA is partnering with several Department bureaus, agencies, and offices to support the National Seed Strategy (NSS), a DOI Keystone Initiative (KI). The National Seed Strategy was developed to address the large-scale demand for native seed, which is a critical need to support restoration efforts undertaken through NRDAR. The NSS KI, which was bolstered by funding from the Bipartisan Infrastructure Law, serves as the action plan with eight foundational tasks to ensure the success of this nationwide effort to develop ecoregional plant material hubs, improve the seed supply chain and seed storage and distribution, incorporate Indigenous Knowledge and climate change science, and develop native seed policy and guidance. The outcomes of this important effort will provide tools to NRDAR case managers that will improve the effectiveness and longevity of restoration projects involving native plants.
- Working with scientists and economists at the USGS, FWS, and NPS, ORDA is developing tools to assess impacts to vulnerable species and how to best aid in their restoration following spills and releases. USGS researchers are examining impacts to freshwater mussels resulting from small diesel spills to better understand the effects of these spills on these vitally important species. Additionally, economists with the FWS and NPS are conducting a trout angler valuation study to improve the understanding of how anglers value stocked and native trout fisheries to better compensate the public for lost trout fishing opportunities due to spills and releases. Studies like this not only provide new information to help support and settle NRDAR claims and implement restoration projects, but also provide opportunities to expand overall knowledge of these little-studied areas of ecology.

Deepwater Horizon / Gulf of Mexico Oil Spill Settlement

The April 2010 Deepwater Horizon (DWH) oil spill in the Gulf of Mexico resulted in the largest offshore oil spill in U.S. history. On April 4, 2016, the U.S. District Court for the Eastern District of Louisiana approved a historic \$20.8 billion settlement agreement with BP Exploration and Production (BPXP), the party found to be primarily responsible for the oil spill. Per the terms of the settlement, BPXP will pay the trustees up to \$8.8 billion for restoration to address natural resource damages. These funds will be used to implement restoration projects detailed in the trustees' Programmatic Damage Assessment and Restoration Plan and Programmatic Environmental Impact Statement. BPXP has made payment for the first seven years, totaling \$3.2 billion to the Restoration Fund, with future annual payments of \$490

million scheduled to continue through 2031. With the continued receipt of DWH oil spill settlement funds and the trustee council's abilities to begin implementation of larger on-the-ground projects, DWH restoration projects will become a growing portion of the overall restoration portfolio of the NRDAR Program.

Restoring Resources

Habitat restoration and protection is at the core of the NRDAR program. The end result of the assessment and planning process is to restore, replace, or acquire the equivalent of those natural resources that were injured. The Department's bureaus charged with restoring these resources work closely with co-trustees in Federal, State, and Tribal governments to improve the delivery of natural resources for the American public. Similarly, core aspects and outcomes from the NRDAR program often overlap with the Administration's priorities to address climate change, conserve lands and waters, strengthen government-to-government relationships with Tribal Nations, and support equity and environmental justice in assessment and restoration decision-making. Climate change and resiliency planning is a standard component in restoration planning through evaluations of long-term viability of projects through the National Environmental Policy Act (NEPA). Conserving and preserving lands is a major tool in the process for restoring natural resources, including land acquisition and establishing conservation easements for long-term protection of natural resources. Working with trustee councils in consensus building requires good relationships for NRDAR cases that include Tribal resources, as well as those cases or projects that may affect Tribal interests. Evaluating the impacts on under-served communities is critical to the restoration planning process through NEPA but also is key to the repair of areas that have been historically contaminated. This will continue to be a focus of the NRDAR program as more remedial plans are finalized in cooperation with the Environmental Protection Agency. The nature of the activities of the NRDAR process require that this program be strongly aligned with the Administration's priorities.

In FY 2025, ORDA will continue its focus on planning, implementation, oversight, and monitoring of restoration actions nationwide. Restoration Support activities will advance restoration efforts and the expenditure of settlement funds to develop and implement restoration plans. ORDA will continue to focus its activities in support of restoration of resources the Department manages and will see increased restoration outputs and outcomes through existing restoration support staff and resources and increased settlement funds.

The Department, together with its Federal, State, and Tribal partners, is involved in hundreds of ongoing restorations across the Nation. While it is difficult to predict with certainty, ORDA anticipates the FY 2025 performance targets will include the cumulative restoration of 100,000 acres and 100 stream or shoreline miles. The Department and its co-trustees will accomplish these goals using settlement funds or in-kind services received in settlement of damage assessment claims with responsible parties. The following pages illustrate the successful implementation of natural resource restoration within the NRDAR program. From acquisition of previously unprotected lands to be managed as part of the national park system to conserving shoreline habitats and restoration of nesting and foraging habitats for coastal bird species, to protection and enhancement of vital trout streams and upland habitats, the

Department has many restoration success stories that support natural resource recovery across the country and beyond.

Fox River/Green Bay, Wisconsin

[Lancaster Brook Wetland Protection \(Farah Property\)](#) [Lancaster Brook Large Woody Habitat Enhancement](#)

The Lower Fox River, located in northeastern Wisconsin, flows northeast for 39 miles where it discharges into Green Bay and Lake Michigan. Between 1954 and 1971, paper companies using polychlorinated biphenyls (PCBs) to make carbonless copy paper as well as other handlers of PCB sediment and waste discharged nearly 700,000 pounds of these chemicals into the Fox River. These releases resulted in injuries to fish, wildlife, surface water, and sediments.

Trustees for Fox River Green Bay include the Department of the Interior - represented by the U.S. Fish and Wildlife Service, the Wisconsin Department of Natural Resources, the Oneida Nation, and the Menominee Indian Tribe. Since 2002, the Trustees have recovered \$90 million in multiple settlements dedicated to the implementation of restoration projects that compensate for PCB-related injuries to natural resources. These funds have been allocated to over 228 restoration projects, preserving or restoring over 24,000 acres, and have opened over 180 stream miles for fish passage. Cultural, recreational, and fishery benefits are also provided through these efforts.

The Fox River/Green Bay Trustees helped support the acquisition and protection of a 17-acre parcel within the Oneida Reservation. Protecting this parcel is significant as it contains a 1,950 foot reach of Lancaster Brook, a Class II brook trout stream, along with approximately 7 acres of adjacent wetland habitat. Protection of this important area also facilitates the ability to enhance habitat to a preferred state through restoration projects. As a result, fish passage impediments have been addressed and woody habitat has been added to the stream - adding log structures to this reach of stream creates feeding habitat and refugia for brook trout.



Installation of woody habitat in Lancaster Brook. Pictured - Staff from Oneida Nation overseeing the project. (Photo credit: Oneida Nation)

Deepwater Horizon Oil Spill, Alabama

[Historic Pilot Town Land Acquired for Conservation in Alabama](#)

Rising from the oily darkness that infiltrated the Gulf of Mexico in 2010 comes another ray of light. A site located off the coast of Alabama, called Pilot Town, is now part of Bon Secour National Wildlife Refuge. This marks another success story in the restoration of critical coastal habitat after the disastrous Deepwater Horizon (DWH) oil spill.

Approximately 73.43 acres acquired on Fort Morgan Peninsula in Alabama were incorporated into Bon Secour National Wildlife Refuge in July 2023. This land acquisition was part of the Regionwide Trustee Implementation Group's September 2021 Restoration Plan 1. This successful acquisition was the result of DWH NRDA settlement funds and collaborative efforts between the FWS, Alabama Department of Conservation and Natural Resources, The Nature Conservancy, and the local community's active engagement to preserve the land.



The former Pilot Town property on Fort Morgan Peninsula was acquired and preserved in perpetuity. (Photo credit: FWS)

As part of the \$6.5 million project budget, approximately \$870,000 of the project funds are allocated towards restoration activities providing conservation and enhancement of nesting and foraging habitats for birds, habitats that were injured by the Deepwater Horizon oil spill. The refuge is one of the most important stop-over sites for migratory birds. It also plays a critical role for endangered species such as the Alabama beach mouse, nesting sea turtles, and wintering piping plovers. Now that the Pilot Town tract is part of Bon Secour NWR, restoration activities such as invasive species removal will begin as part of the refuge management efforts.

Ottawa River, Ohio

[Restoration in the Western Lake Erie Basin](#)

Decades of manufacturing activity and improper waste disposal practices resulted in the release of hazardous substances into the Ottawa River and its watershed. The Ottawa River begins southeast of Sylvania, Ohio and flows southeast into Toledo then turns northeast to empty into Maumee Bay - Lake Erie approximately 2.3 miles north of the Maumee River in Monroe County Michigan.

The hazardous substances migrated from landfills along the banks of the Ottawa River and industrial facilities in the watershed, contaminating water, fish, and wildlife in the Ottawa River. These landfills have been remediated under CERCLA, RCRA and CWA authorities by the US Environmental Protection Agency (EPA) and Ohio Environmental Protection Agency (Ohio EPA).



Hageman Unit that is now owned and maintained by Ottawa National Wildlife Refuge. (Photo credit: FWS)

The Trustees for Ottawa River include the U.S. Department of the Interior, acting through the U.S. Fish and Wildlife Service (FWS) and the State of Ohio, acting through the Ohio EPA. Recently, 286.5 acres of coastal marsh and upland habitat were protected through property acquisitions that were primarily funded with the Ottawa River NRDAR case settlement. The FWS provided a grant to Ducks Unlimited for the purchase of four properties that will be protected in perpetuity, three of which the Ohio Department of Natural Resources, Division of Wildlife will take ownership.

The fourth property acquired was incorporated into the Ottawa National Wildlife Refuge. Settlement funds were leveraged for management of invasive plants, restoration of agricultural fields to native ground cover, forbs, and trees, wetland enhancement, and hydrological modification in partnership with the Great Lakes Restoration Initiative. These properties are now accessible to the public for recreational use.



Pearson property which is owned by the Ohio Department of Natural Resources. (Photo credit: FWS)

DuPont Waynesboro, Virginia

[Shenandoah National Park Trust Land Acquisition “Tanners Ridge”](#)

Mercury from industrial activities at a former E.I. du Pont de Nemours and Company (DuPont) facility in Waynesboro, VA, contaminated the South River and South Fork Shenandoah River, impacting fish, wildlife, and their habitats, including over 100 miles of river and associated floodplain and riparian habitat. In July 2017, the Trustees, including the Department of the Interior, represented by the Fish and Wildlife Service, and the Commonwealth of Virginia, received a settlement of \$42 million to address natural resource injury and to implement restoration projects related to the impacted resources in the South Fork Shenandoah River watershed. Proposed restoration includes projects to improve water quality

and fish habitat, such as agricultural and urban best management practices; freshwater mussel propagation and restoration; neotropical migratory songbird full life cycle restoration; land protection, property acquisition, and recreational and wildlife enhancements; recreational fishing improvement projects; and renovation of a Virginia fish hatchery.

In 2023, the Shenandoah National Park Trust (SNPT) acquired 969 acres of rolling woodlands in Page County, VA that had been under threat of development for many years. The acquisition of these acres by the SNPT was made possible through DuPont Waynesboro Natural Resource Damage Assessment and Restoration (NRDAR) settlement funds and the collaboration of many partners and landowners including the SNPT, Potomac Appalachian Trail Club, Valley Conservation Council, the Commonwealth of Virginia, the US Fish and Wildlife Service, and the supportive landowners who rallied together in an effort to protect this large area of contiguous forest.



Photo of land on Tanners Ridge acquired by the Shenandoah National Park Trust. Of note, there were several large, healthy hemlocks near the creek (Naked Creek), and a waterfall. (Photo credit: NPS)

The official Tanners Ridge Dedication Ceremony was held on May 18, 2023, and was hosted by the Shenandoah National Park (SNP) and the SNPT. The event celebrated the SNPT’s donation of 969 acres to the Park to be protected in perpetuity. The acquired parcels (from 3 different landowners) contain relatively undisturbed forested habitat for migratory birds, bats, and other wildlife, as well as headwaters streams that support brook trout. Because the parcels are adjacent to SNP, this acquisition and donation increases the amount of contiguous protected habitat for migratory birds, bats (including Indiana Bat and Northern Long-Eared Bat), and other wildlife. To date, this is the largest (acreage) acquisition funded by the DuPont NRDAR settlement.



Tanners Ridge Dedication in May 2023.
Photo credit: FWS



Inland Oil Spill Preparedness

The Inland Oil Spill Preparedness Program was established in FY 2015 to update and develop training for field-based response personnel. In response to increasing oil spill incidents commensurate with petroleum products demand and aging infrastructure, this program has enhanced the Department's coordination with National Response System planning efforts and increased inland oil spill response readiness. The Department's inland oil spill training course continues to be maintained and provided by the US Fish and Wildlife Service's National Conservation Training Center (NCTC). From 2015 through 2023, ORDA provided 30 one-week-long courses to 702 practitioners – 523 of which were Department staff, 42 other Federal agency staff, and 137 responders from State, local, and Tribal governments. ORDA has also worked with NCTC to hold 20 Oil Spill Response webinars with 4,775 viewers. Through the National Park Service, ORDA has held 5 Cultural Resources Spill Support courses, reaching 241 Federal, State, and Tribal representatives.

Program Overview

The objective for the Inland Oil Spill Preparedness Program is to improve overall preparedness and the ability to respond to inland oil spills in ways that better protect the Nation's natural and cultural resources, historic properties, and public lands. The Department is a primary Federal natural resource trustee with land and natural resources that could potentially be affected by inland oil spills, including those managed by the Department's bureaus, and the trust lands and resources of Native American Tribes. When an inland oil spill occurs, personnel from the Department's bureaus are often among the first responders, along with State and local responders and on-scene coordinators from the Environmental Protection Agency. Pre-incident preparation requires contingency planning, including coordination efforts with response teams, risk and resource evaluation, area planning, advancing spill response science, and conducting inland oil spill drills. Through the National Response System, the EPA leads the Federal response for inland oil spills, and the U.S. Coast Guard leads the Federal response for spills occurring offshore and in navigable waterways, including major rivers, lakes, and bays.

In FY 2025, the Program will prioritize readiness through National Response System coordination in updating regional and local spill contingency plans, advancing spill response science, and by participation in regional and national oil spill drills and exercises.

Program Management

The primary mission of the ORDA is to oversee the Department's NRDAR Program. ORDA's Program Management efforts and activities focus on providing the tools, processes, and resources necessary for the Department's bureaus to achieve the efficient restoration of natural resources.

Program Overview

The current funding level provides ORDA the ability to implement its strategic vision, direction, management, and coordination of inter-Departmental activities for the NRDAR program. ORDA manages the intersection and complex interdisciplinary relationships between biology, environmental toxicology, natural resource management, economics, and law. The Program Management functions include allocating damage assessment project funding; monitoring program performance and ensuring accountability; providing the framework for identifying and resolving issues that raise significant management or policy implications; managing the NRDAR Fund; developing the Department's policies and regulations for conducting and managing damage assessment and restoration cases; responding to Department, Office of Management and Budget, and Congressional inquiries; and ensuring coordination among Federal, State, and Tribal governments. Program Management funds also cover fixed costs such as office rent, the Departmental Working Capital Fund, and other similar charges.

In FY 2024, ORDA initiated an update to the office's strategic plan to lay out the vision for the future of the office and the NRDAR Program in the coming years. In 2025, ORDA will be focusing on meeting its primary goal of restoring injured natural resources through the use of a variety of implementation strategies such as funding case teams working on assessments and restoration activities, supporting the use of best management practices and up-to-date research, and providing users access to the latest information. With impending retirements anticipated across the NRDAR Program in the coming years, ORDA is focused on building up capacity internally as well as within the bureaus. Consistent with these forward-looking efforts, ORDA recently launched a pilot mentoring program matching experienced bureau-level practitioners with newer practitioners to assist them as they work on existing cases. This workforce planning effort will continue in 2025 with a new cohort to ensure that practitioner-level institutional knowledge continues to be passed down and shared.

In 2025, Program Management activities will support ongoing efforts to improve efficiency and effectiveness and to reduce costs. The 2025 request provides funding for staff within ORDA to manage settlement funds, maintain support systems, and promote restoration. In addition, funds will be provided to trustee bureaus and supporting offices for Technical Support Group (TSG) participation and overall program collaboration and support, commensurate with the recent growth in the number and size of settlements and the resulting restoration case workload.

ORDA continues to utilize and refine its information technology tools including the Damage Assessment and Restoration Tracking System (DARTS), an online database system used to house case information, case proposals, and related documents. ORDA will continue to enhance existing tools to improve effectiveness using integrated systems to track damage assessments, restoration actions, and outcomes.

This online system supports case management from initiation, through damage assessment, claim close-out, restoration implementation and monitoring, and case closure. Practitioners can enter information about individual restoration projects and have it displayed on their case pages for the public to view. This system produces functional reports for use by stakeholders; high-quality, accessible, relevant data; and provides a single, efficient location for data and documents. In 2024, a modernization effort was started as the existing programming and platform were nearing 10 years old. This system upgrade will ensure DARTS is operating in the most efficient manner possible, meeting emerging cybersecurity requirements, improving inter-operability with other systems, and allowing users to access information in a user-friendly format. In 2025, the modernization effort will continue, and the office will begin to transition from its current version to a new and improved DARTS 2.0 version.

ORDA will continue its proactive outreach and coordination with Federal, State, and Tribal co-trustees to address issues of mutual interest among the different levels of government. These efforts will focus on improving assessment and restoration techniques and sharing best practices to increase efficiency and effectiveness while reducing costs.

Additionally, plans are currently underway to host a national NRDAR workshop for DOI, other Federal, State and Tribal practitioners across the country in 2025. Building on the success of the 2023 in-person national NRDAR workshop (first one in 7 years), the goal of this workshop is to continue to build up the skill set of the NRDAR community to ensure the success of the NRDAR Program into the future as well as enhance collaboration with other Federal, State, and Tribal co-trustee partners.