Refugio Beach Oil Spill

Natural Resource Damage Assessment and Restoration

Public Meeting
January 20, 2016

Refugio Beach Oil Spill Trustee Council
Overview

• What are Natural Resource Damages?
• Who are the Trustee Agencies?
• Coordination with Others
• Process and Methodologies
• Next Steps
Potential Components of a Pollution Case Settlement

• response and clean-up costs
• penalties
• natural resource damages
• other claims
  • public entities (lost tax revenue, lost parking fees, extra staff time, etc.)
  • private claims (lost income, injury to property, etc.)
What are Natural Resource Damages?

- Compensation for natural resource injuries
- Compensation for loss of use and enjoyment
- “Injuries” are biological impacts
- “Damages” are monetary
- Damages are based upon the amount of restoration needed to make the environment and the public whole (OPA, Lempert-Keene)
Legal Authority

• OPA 90 – oil
• Other Federal Laws (e.g. Clean Water Act)
• Lempert-Keene-Seastrand Oil Spill Act (CA)
• Other State Laws
Who are the Trustees?

California Department of Fish & Wildlife (CDFW)

California State Lands Commission (CSLC)

California Department of Parks & Recreation (CDPR)

University of California

United States Fish & Wildlife Service (USFWS)

National Park Service (NPS)

Bureau of Land Management (BLM)

National Oceanic and Atmospheric Administration (NOAA)
Coordination

Plains All American Pipeline, L.P.

Several cities and counties
Several bands of the Chumash Nation
Many non-government organizations
Local and national experts
The Process

1) Oil Spill
2) Data Collection
3) Public Information Meetings
4) Injury and Damage Quantification
5) Public Scoping Meeting
6) Draft Restoration Plan
7) Public Comment Period
8) Final Restoration Plan
9) Implement Restoration Projects
Refugio NRDA to Date

• Multi-disciplinary, multi-agency team

• Collecting data and planning NRDA tasks since May 19
Refugio NRDA to Date

• Currently divided into seven teams according to injured resource category:
  
  • birds
  • mammals
  • fish
  • rocky intertidal habitat
  • sandy beach habitat
  • subtidal habitat
  • recreational uses
Injury Quantification

- Wildlife (birds, mammals, fish): size (#), duration (years lost)
- Habitat: size (acres), degree (%), duration (years)
- Recreational Uses: size (# of lost user-days)
For Wildlife and Habitat

Methods are Restoration-based

KEY QUESTIONS:

• How big of a restoration project do we need to compensate for the injury? How much will that cost?

• Use Habitat Equivalency Analysis (HEA) as the tool to scale restoration to injuries.
Habitat Equivalency Analysis

Acre-Years of Loss Due to Spill = Acre-Years Gained from Restoration Project

Value of Habitat

Initial Level

Spill (Baseline)

Injury (Recovery)

Primary Restoration

Compensatory Restoration

Project Benefits

Time
For Recreational Use Losses

• Basic Calculation:
  – Lost Use =
    (# of Lost User-days) X
    ($Value per Lost User-Day)

• Types of Recreational Use
  – Camping
  – Water-related activities (e.g., surfing, sailing, swimming)
  – Fishing (e.g., pier, shoreline, charter boat)
  – General beach use
Restoration Projects

• birds → PROJECT
• mammals → PROJECT
• fish → PROJECT
• rocky intertidal habitat → PROJECT
• sandy beach habitat → PROJECT
• subtidal habitat → PROJECT
• recreational uses → PROJECT
Restoration Project Selection Criteria

- Nexus to Injured Resources
- Technical Feasibility
- No Duplicate or Replacement Funding
- Legality
- Likelihood of Success
- Cost Effectiveness
- Multiple Resource Benefits
- Duration of Benefits
- Public Health and Safety
- Avoidance of Adverse Impacts
- Opportunities for Collaboration
To Submit Restoration Project Ideas


• Email: RefugioRestoration@fws.gov