

CLAIM SUMMARY / DETERMINATION¹

Claim Number:	UCGPA23022-URC003
Claimant:	Department of Fish and Wildlife: OSPR
Type of Claimant:	State
Type of Claim:	Removal Costs
Claim Manager:	(b) (6)(b) (6)
Amount Requested:	\$77,125.68
Action Taken:	Offer in the amount of \$44,965.94

EXECUTIVE SUMMARY:

On September 4, 2023 at 0515 local time, United States Coast Guard (“USCG”) National Response Center (“NRC”) received notification of a tugboat that was sinking in Little Potato Slough with sheening on the water and a strong odor of fuel.² Later the same morning at 0807 local time, the USCG Sector San Francisco Command Center received notification of the sinking tugboat MAZAPETA.³ The MAZAPETA is a 94-foot steel-hull tug that was carrying approximately 1000 gallons of diesel and 600 gallons of oil.⁴ The MAZAPETA was listing 35° to starboard while tied alongside the cruise ship AURORA within Little Potato Slough, which is a tributary of the San Joaquin River and a navigable waterway of the United States.⁵

USCG Sector San Francisco is the Federal On-Scene Coordinator (“FOSC”) for the incident.⁶ After several failed attempts at contacting the vessel owner and due to the amount of petroleum products that were discharging into the navigable waterway, the FOSC opened Federal Project Number (FPN) UCGPA23022 in response to the incident and issued a Notice of Federal Assumption.⁷ A Unified Command (“UC”) was established that included USCG, California Department of Fish and Wildlife Office of Spill Prevention and Response (“Claimant” or “OSPR”), San Joaquin County Sheriff’s Department, and the City of Stockton.⁸

¹ This determination is written for the sole purpose of adjudicating a claim against the Oil Spill Liability Trust Fund (OSLTF). This determination adjudicates whether the claimant is entitled to OSLTF reimbursement of claimed removal costs or damages under the Oil Pollution Act of 1990. This determination does not adjudicate any rights or defenses any Responsible Party or Guarantor may have or may otherwise be able to raise in any future litigation or administrative actions, to include a lawsuit or other action initiated by the United States to recover the costs associated with this incident. After a claim has been paid, the OSLTF becomes subrogated to all of the claimant’s rights under 33 U.S.C. § 2715. When seeking to recover from a Responsible Party or a Guarantor any amounts paid to reimburse a claim, the OSLTF relies on the claimant’s rights to establish liability. If a Responsible Party or Guarantor has any right to a defense to liability, those rights can be asserted against the OSLTF. Thus, this determination does not affect any rights held by a Responsible Party or a Guarantor.

² National Response Center (NRC) Report # 1378109 dated September 4, 2023.

³ Unified Command Mazapeta Decision Memorandum dated December 19, 2023, #2, P. 1/3.

⁴ *Id.*

⁵ *Id.*

⁶ See, Notice of Federal Interest (NOFI) issued to Mr. (b) (6) dated September 5, 2023. See also, USCG SITREP-POL One dated September 6, 2023.

⁷ See, Notice of Federal Assumption (NOFA) issued to Mr. (b) (6) on September 5, 2023. See also, FOSCR Statement Form dated April 25, 2024.

⁸ USCG SITREP-POL Three dated September 22, 2023.

In accordance with the Oil Pollution Act of 1990 (“OPA”),⁹ Mr. (b) (6) was initially identified by the FOSC as the Responsible Party (“RP”) and National Vessel Documentation Center (NVDC) records indicate that Mazapeta Research LLC (owned by Mr. (b) (6)) as the owner of the vessel; however, a viable address for Mr. (b) (6) has never been established.¹⁰ Initially, the FOSC and the State of California as the State On-Scene Coordinator (“SOSC”) suspected three potential responsible parties (RPs): (1) Mr. (b) (6) – FOSC attempted to contact Mr. (b) (6) but Mr. (b) (6) failed to respond, (2) Mr. (b) (6)(b) (6) – FOSC attempted to contact Mr. (b) (6) but never received a response, and (3) Mr. (b) (6)(b) (6) – owner of the vessel, AURORA. The FOSC pollution responders found several videos of Mr. (b) (6) making repairs to the MAZAPETA.¹¹ The FOSC states that the investigation by the SOSC quoted Mr. (b) (6) as saying that he put fuel and oil into the MAZAPETA. Based on the foregoing, the FOSC determined that Mr. (b) (6) was considered a potential operator of the MAZAPETA.¹²

On May 29, 2025, OSPR presented its claim to the National Pollution Funds Center (“NPFC”) for \$77,125.68.¹³ The claim sought compensation for response costs incurred by the OSPR for personnel, travel, operation expenses, and vehicles.¹⁴

The NPFC thoroughly reviewed all documentation submitted with the claim, analyzed the applicable law and regulations, and after careful consideration has determined that \$44,965.94 of the claimed costs are compensable and offers this amount as full and final compensation as detailed below.

I. DETERMINATION PROCESS:

The NPFC utilizes an informal process when adjudicating claims against the Oil Spill Liability Trust Fund (OSLTF).¹⁵ As a result, 5 U.S.C. § 555(e) requires the NPFC to provide a brief statement explaining its decision. This determination is issued to satisfy that requirement.

When adjudicating claims against the OSLTF, the NPFC acts as the finder of fact. In this role, the NPFC considers all relevant evidence, including evidence provided by claimants and evidence obtained independently by the NPFC, and weighs its probative value when determining the facts of the claim.¹⁶ The NPFC may rely upon, but is not bound by the findings of fact,

⁹ 33 U.S.C. § 2701(32).

¹⁰ See, Notice of Federal Interest and Notice of Federal Assumption issued to Mr. (b) (6) on September 5, 2023. See also, United States Coast Guard Situation Report (SITREP)-POL One dated September 6, 2023. A description of potential RPs and outcomes are addressed in detail under item II, Responsible Party section of this determination. The FOSC ultimately concluded at the time that the “Responsible party could not be determined.” For the sole purpose of ensuring the claimant’s compliance with its presentment obligations under 33 CFR 136.103 for the continued adjudication of this claim, the NPFC adopts this position.

¹¹ Email from FOSC to NPFC dated April 30, 2024.

¹² Id. See also, Notice of Federal Interest (NOFI) issued to Mr. (b) (6) dated September 26, 2023.

¹³ OSPR’s Original Claim Submission received May 29, 2025.

¹⁴ Id.

¹⁵ 33 CFR Part 136.

¹⁶ See, e.g., *Boquet Oyster House, Inc. v. United States*, 74 ERC 2004, 2011 WL 5187292, (E.D. La. 2011), “[T]he Fifth Circuit specifically recognized that an agency has discretion to credit one expert’s report over another when experts express conflicting views.” (Citing, *Medina County v. Surface Transp. Bd.*, 602 F.3d 687, 699 (5th Cir. 2010)).

opinions, or conclusions reached by other entities.¹⁷ If there is conflicting evidence in the record, the NPFC makes a determination as to what evidence is more credible or deserves greater weight, and makes its determination based on the preponderance of the credible evidence.

II. INCIDENT, RESPONSIBLE PARTY AND RECOVERY OPERATIONS:

Incident

On September 4, 2023 at 0807 local time, United States Coast Guard (“USCG”) Sector San Francisco Command Center received a notification from San Joaquin County Department of Environmental Health regarding a sinking tugboat, MAZAPETA, in Little Potato Slough near Stockton, California.¹⁸ The MAZAPETA, a 94-foot steel-hull tug, was carrying approximately 1000 gallons of diesel and 600 gallons of oil.¹⁹ The MAZAPETA listed 35° to starboard while tied alongside the cruise ship AURORA,²⁰ discharging petroleum products into Little Potato Slough, which is a tributary of the San Joaquin River and a navigable waterway of the United States.²¹

The incident occurred less than a mile away from the City of Stockton’s Delta Water Supply Project Intake Pump Station (“IPS”).²² The IPS provides the raw water supply for the water treatment plant, which serves 200 customers daily.²³ Once the City of Stockton was notified of the incident, operations staff shut down the IPS to prevent contamination of the water supply, intake and water treatment plant infrastructure.²⁴

Responsible Party

In accordance with the Oil Pollution Act of 1990 (“OPA”),²⁵ Mr. (b) (6) was initially identified by the FOSC as the Responsible Party (“RP”), however a viable address for Mr. (b) (6) has never been established.²⁶

Initially, the FOSC and the State of California as the State On-Coordinator (“SOSC”) suspected three potential responsible parties (RPs): (1) Mr. (b) (6) – FOSC attempted to contact Mr. (b) (6) but Mr. (b) (6) failed to respond, (2) Mr. (b) (6)(b) (6) – FOSC attempted to contact Mr. (b) (6) but did not receive a response, and (3) Mr. (b) (6) – owner of the vessel, AURORA. The FOSC pollution responders found several videos of Mr.

¹⁷ See, e.g., *Use of Reports of Marine Casualty in Claims Process by National Pollution Funds Center*, 71 Fed. Reg. 60553 (October 13, 2006) and *Use of Reports of Marine Casualty in Claims Process by National Pollution Funds Center* 72 Fed. Reg. 17574 (concluding that NPFC may consider marine casualty reports but is not bound by them).

¹⁸ National Response Center (NRC) Report #1378109 dated September 4, 2023.

¹⁹ Unified Command Mazapeta Decision Memorandum dated December 19, 2023. #2, P. 1/3.

²⁰ *Id.*

²¹ USCG Situation Report (SITREP)-POL One dated September 6, 2023.

²² City of Stockton’s Chart showing the MAZAPETA Spill Location and the Stockton Intake Pump Station.

²³ Director of Municipal Utilities Memorandum to the City Manager dated October 18, 2023

²⁴ USCG SITREP-POL Three dated September 22, 2023. Unified Command Mazapeta Decision Memorandum dated December 19, 2023. #2, P. 1-2/3.

²⁵ 33 U.S.C. § 2701(32).

²⁶ See, Notice of Federal Interest and Notice of Federal Assumption issued to Mr. Paul Charlton on September 5, 2023. See also, USCG SITREP-POL One dated September 6, 2023.

(b) (6) making repairs to the MAZAPETA.²⁷ The FOSC states that the investigation by the SOSC quoted Mr. (b) (6) as saying that he put fuel and oil into the MAZAPETA. Based on the foregoing, the FOSC determined that Mr. (b) (6) was considered a potential operator of the MAZAPETA tug.²⁸

On April 23, 2024, the NPFC requested an Abstract of Title for the MAZAPETA from the USCG's National Vessel Documentation Center (NVDC).²⁹ On April 25, 2024, the NPFC received a General Index and Abstract of Title package consisting of 8 pages via email.³⁰ The package included an Abstract of Title between (b) (6)(b) (6) as seller and Mazepeta Research LLC [sic] as buyer.³¹ Upon receipt of the Abstract of Title, the NPFC performed a search of the State of California Corporation Commission to see if it could obtain a viable address for Mazepeta Research LLC, to no avail.

On November 15, 2024, the NPFC received an email from the FOSC providing amplifying information regarding Mazapeta Research LLC and Mr. (b) (6).³² The email explained the FOSC issued the Notice of Federal Assumption (NOFA) to Mr. (b) (6), at his Hawaii address and was also sent via text message to the last known cell phone number the FOSC had on file. The email also contained two attachments.³³ The second attachment was a separate email dated October 22, 2024 between the FOSC and NPFC's Case Management Division. The email provided a response to the FOSC's subpoena seeking ownership information on Mazapeta Research LLC.

The October email contained two attachments: (1) subpoena issued to Harvard Business Services, Inc. as the registered agent for Mazapeta Research LLC., dated October 9, 2024. The subpoena sought any and all records in the registered agent's possession, custody and/or control for Mazapeta Research LLC., between the years of 2016 and 2024 and (2) Mazapeta Research LLC., for information consisting of 10-pages of documentation in response to the subpoena.³⁴ The subpoena results confirmed that Mr. (b) (6) was identified as the owner of Mazapeta Research LLC and the last known address listed for Mr. (b) (6) was a Stockton California address from July 27, 2016, which was no longer a viable address.

The NPFC attempted to contact Mr. (b) (6) via an email address and phone number contained within the subpoena. The NPFC left a voicemail message and requested Mr. (b) (6) return the call and to provide his contact information. To date, no response has been received. The FOSC ultimately concluded that a responsible party could not be determined.

²⁷ Email from FOSC to NPFC dated April 30, 2024.

²⁸ *Id.* See also, Notice of federal Interest (NOFI) issued to Mr. (b) (6) dated September 26, 2023.

²⁹ Email from NPFC to NVDC dated April 23, 2024.

³⁰ Email from NVDC to NPFC dated April 25, 2024 with attachments.

³¹ See, NVDC General Index or Abstract of Title package, Continuation Sheet No. 4 dated April 18, 2024, P. 7 of 8.

³² Email from FOSC to NPFC containing Amplifying Information about the RP dated November 15, 2024.

³³ See, email from FOSC to NPFC dated November 15, 2024, with two attachments.

³⁴ See, email from FOSC to NPFC dated October 11, 2024, with attachments identified as: (1) USCG subpoena dated October 9, 2024, and (2) 10—pages of documentary results to USCG subpoena.

Recovery Operations

On September 4, 2023, the FOSC opened the FPN and activated Global Diving and Salvage to place absorbent and hard boom around the affected area.³⁵ The FOSC also hired Parker Diving to assist in the removal of both diesel and oil from the tug and for boom maintenance.³⁶ A Unified Command (“UC”) was established that included USCG, California Department of Fish and Wildlife Office of Spill Prevention and Response (“Claimant” or “OSPR”), San Joaquin County Sheriff’s Department and the City of Stockton.³⁷

Weekly drone flights were conducted by San Joaquin County Office of Emergency Services (OES) to monitor the discharge that was coming from the tug MAZAPETA as it was being contained within the boom that was placed in the surrounding area.³⁸ The City of Stockton closed a nearby public drinking water intake as a safety precaution for residents of the City of Stockton.³⁹ A National Oceanic and Atmospheric Administration (NOAA) Scientific Support Coordinator provided additional sheen modeling and impacts to the City of Stockton water intake.⁴⁰

On December 19, 2023, the Unified Command reached an agreement as to the roles and responsibilities related to the vessel and further oil pollution removal actions.⁴¹ The agreement, signed by each of the parties, including the claimant, articulated that the Coast Guard would be the responsible agency for the removal of all petroleum products from the vessel, in accordance with the NCP and OPA. To successfully remove the largest amount of petroleum products, the Coast Guard determined that the vessel needed to be refloated and dewatered. The document states that **“once petroleum products are removed, the USCG and UC’s actions will conclude. The USCG is under no obligation by [the NCP and OPA] to keep the vessel afloat.”**⁴²

T&T Marine Salvage, Inc., was hired for hydrographic survey in support of removing the tug MAZAPETA from the water.⁴³

Site monitoring and absorbent maintenance was performed until mid-January 2024.⁴⁴ Approximately 600 gallons of product was discharged into the waterway and approximately 26,000 gallons of oil water was removed from the tug.⁴⁵

On January 13, 2024, raising of the tug MAZAPETA began by pumping out water from the tug while applying righting pressure from the crane.⁴⁶ On January 14, 2024, the tug was refloated and kept stabilized with onboard pumps and pollution removal via vac truck which

³⁵ USCG SITREP-POL One dated September 6, 2023.

³⁶ *Id.* See also, FOSCR Statement Form dated April 25, 2024.

³⁷ USCG SITREP-POL Three dated September 22, 2023.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ USCG SITREP-POL Five dated October 9, 2023.

⁴¹ See, “Tug MAZAPETA Response Concurrence Memorandum” dated December 19, 2023.

⁴² *Id.*

⁴³ See, T&T Marine Salvage, Inc., Invoice # INV3351-TTMS2 signed by FOSCR dated December 31, 2023.

⁴⁴ CORRECTION to SITREP-POL Seven and Final dated August 9, 2024.

⁴⁵ *Id.*

⁴⁶ *Id.*

were conducted through January 16, 2024.⁴⁷ Removal actions as defined by OPA were completed on January 16, 2024, when all recoverable product was deemed removed from the MAZAPETA.⁴⁸ On January 17, 2024, control of the tug MAZAPETA was transferred to the City of Stockton who initiated a dead ship tow of the tug MAZAPETA to a shipyard in Vallejo, California for final disposition.⁴⁹

III. CLAIMANT AND NPFC:

On May 29, 2025, OSPR presented its claim to the National Pollution Funds Center (“NPFC”) for \$77,125.68.⁵⁰ The claim sought compensation for response costs incurred by the OSPR for Personnel, Travel, Operation Expenses, and Vehicles associated with joint response and oversight performed as a member of the Unified Command.⁵¹ This is OSPR’s second OPA claim submitted to the NPFC as a result of the MAZAPETA oil spill response. On May 17, 2024, OSPR submitted a removal cost claim for costs incurred for its investigatory services only.⁵² Upon receipt of OSPR’s second removal cost claim, the NPFC requested that OSPR explain why it did not submit all of its known removal costs together in the first claim submission, in accordance with 33 CFR 136.109(a).⁵³ On June 27, 2025, in response, OSPR explained, that it thought the investigative costs had to be submitted separately and was not aware all costs must be submitted together for a single incident.⁵⁴

OSPR’s claim included the Optional OSLTF Claim Form, State of California – Natural Resources Agency Department of Fish and Wildlife request for compensation from the OSLTF letter dated May 2, 2025, California Department of Fish and Wildlife Summary of Costs, dated May 28, 2025, Voucher and Schedule of Withdrawal and Credits, Incident Action Plans, ICS 207 – Incident Organization Chart for Tug MAZAPETA, Assignment List (ICS 204), Incident Radio Communications Plan (ICS 205), Site Safety and Health Plan ICS-208-CG (rev 4/15), CG ICS Site Safety Plan (SSP) Hazard Identification/ Eval/Control ICS 208-CG SSP-B (rev 4/15), CG ICS SSP: Site Map, CG ICS SSP Work Acknowledgement Form, Site Specific Safety & Health Plan, NRC/US Ecology Safety Management System Marine Operations, Emergency Safety Plan, Chevron Safety Data Sheet, Department of Fish and Wildlife – timesheets.

Throughout the adjudication of OSPR’s claim, the NPFC sought additional information from OSPR to support its claim. OSPR provided the requested information to support its claim and more specifically, its claimed costs.⁵⁵

IV. DISCUSSION:

⁴⁷ *Id.*

⁴⁸ *See*, 33 U.S.C. § 2701(31). *See also*, CORRECTION to USCG SITREP-POL Seven and Final dated August 9, 2024. This is also in accord with the UC Decision Memo dated December 19, 2023.

⁴⁹ *See*, CORRECTION to USCG SITREP-POL Seven and Final dated August 9, 2024. This is also in accord with the UC Decision Memo dated December 19, 2023.

⁵⁰ OSPR’s Original Claim Submission received May 29, 2025.

⁵¹ *Id.*

⁵² OSPR’s previous claim # UCGPA23022-URC001 dated May 17, 2024.

⁵³ Email from NPFC to OSPR dated June 18, 2025.

⁵⁴ Email response from OSPR to NPFC dated June 27, 2025.

⁵⁵ *See*, various emails from NPFC requesting additional information requests and OSPR’s responses.

An RP is liable for all removal costs and damages resulting from either an oil discharge or a substantial threat of oil discharge into a navigable water of the United States.⁵⁶ An RP's liability is strict, joint, and several.⁵⁷ When enacting OPA, Congress "explicitly recognized that the existing federal and states laws provided inadequate cleanup and damage remedies, required large taxpayer subsidies for costly cleanup activities and presented substantial burdens to victim's recoveries such as legal defenses, corporate forms, and burdens of proof unfairly favoring those responsible for the spills."⁵⁸ OPA was intended to cure these deficiencies in the law.

OPA provides a mechanism for compensating parties who have incurred removal costs where the responsible party has failed to do so. Removal costs are defined as "the costs of removal that are incurred after a discharge of oil has occurred or, in any case in which there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil pollution from an incident."⁵⁹ The term "remove" or "removal" means "containment and removal of oil [...] from water and shorelines or the taking of other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to fish, shellfish, wildlife, and public and private property, shorelines, and beaches."⁶⁰

The NPFC is authorized to pay claims for uncompensated removal costs that are consistent with the National Contingency Plan (NCP).⁶¹ The NPFC has promulgated a comprehensive set of regulations governing the presentment, filing, processing, settling, and adjudicating such claims.⁶² The claimant bears the burden of providing all evidence, information, and documentation deemed relevant and necessary by the Director of the NPFC, to support and properly process the claim.⁶³

Before reimbursement can be authorized for uncompensated removal costs, the claimant must demonstrate by a preponderance of the evidence:

- (a) That the actions taken were necessary to prevent, minimize, or mitigate the effects of the incident;
- (b) That the removal costs were incurred as a result of these actions;
- (c) That the actions taken were directed by the FOSC or determined by the FOSC to be consistent with the National Contingency Plan;
- (d) That the removal costs were uncompensated and reasonable.⁶⁴

The NPFC analyzed each of these factors and determined that some of the costs incurred and submitted by OSPR herein are compensable based on the supporting documentation provided. Removal actions as defined by OPA were completed on January 16, 2024, when all recoverable

⁵⁶ 33 U.S.C. § 2702(a).

⁵⁷ See, H.R. Rep. No 101-653, at 102 (1990), *reprinted in* 1990 U.S.C.C.A.N. 779, 780.

⁵⁸ *Apex Oil Co., Inc. v United States*, 208 F. Supp. 2d 642, 651-52 (E.D. La. 2002) (*citing* S. Rep. No. 101-94 (1989), *reprinted in* 1990 U.S.C.C.A.N. 722).

⁵⁹ 33 U.S.C. § 2701(31).

⁶⁰ 33 U.S.C. § 2701(30).

⁶¹ See generally, 33 U.S.C. § 2712 (a) (4); 33 U.S.C. § 2713; and 33 CFR Part 136.

⁶² 33 CFR Part 136.

⁶³ 33 CFR 136.105.

⁶⁴ 33 CFR 136.203; 33 CFR 136.205.

product was deemed removed from the MAZAPETA.⁶⁵ As such – and as specifically outlined below – costs incurred after January 16, 2024, are denied.⁶⁶

OSPR's claimed uncompensated removal costs in the total amount of \$77,125.68 are associated with a variety of activities, including but not limited to the following:

- (a) Coordination of the response as part of the Unified Command;
- (b) Biological information and fish closure;
- (c) Safety perimeter duties;
- (d) Coordinated with public health agencies;
- (e) Coordinated response activities of OSROs including boom placement;
- (f) Provided quantification reports; and
- (g) Monitored parbuckling activities.

All approved costs were supported by adequate documentation and were determined by the FOSC to be consistent with the National Contingency Plan (NCP).⁶⁷

Upon adjudication of the costs, the NPFC has determined that the amount of compensable removal costs is \$44,965.94 while \$32,159.74 is denied based on the following categories:

OSPR Personnel Costs – September 4, 2023 – March 15, 2024⁶⁸

OSPR is seeking \$75,573.56 for personnel costs incurred during the incident response. Based on the documentation provided, the NPFC finds a total of \$44,336.46 is compensable and \$31,237.10⁶⁹ is denied due to:

1. Lack of supporting documentation
Total denied: \$28,263.05⁷⁰
2. Removal actions were performed after January 16, 2024 (the end date of the response as determined by the FOSC)
Total denied: \$2,974.01⁷¹

⁶⁵ See, 33 U.S.C. § 2701(31). See also, CORRECTION to SITREP-POL Seven and Final dated August 9, 2024. This is also in accord with the UC Decision Memo dated December 19, 2023.

⁶⁶ Enclosure 3 provides a detailed analysis of the amounts approved and denied by the NPFC.

⁶⁷ See, USCG SITREP/POLS One through CORRECTION to SITREP-POL Seven and Final.

⁶⁸ Enclosure 3, Tab 2.

⁶⁹ The NPFC denied \$0.04 as an unidentified difference. See, Enclosure 3, Tab 2, line AH329.

⁷⁰ See, Enclosure 3, Tab 2, lines AH4, AH5, AH6, AH14, AH17, AH18, AH19, AH25, AH39, AH40, AH44, AH65, AH67, AH72, AH73, AH74, AH75, AH76, AH77, AH78, AH80, AH81, AH83, AH84, AH85, AH86, AH87, AH88, AH89, AH90, AH91, AH92, AH94, AH95, AH96, AH100, AH101, AH105, AH112, AH122, AH123, AH131, AH132, AH136, AH137, AH140, AH141, AH143, AH145, AH146, AH147, AH148, AH149, AH151, AH155, AH156, AH162, AH166, AH172, AH193, AH201, AH202, AH203, AH204, AH205, AH206, AH207, AH208, AH212, AH217, AH229, AH230, AH235, AH240, AH242, AH246, AH247, AH248, AH253, AH258, AH262, AH263, AH267, AH268, AH272, AH273, AH282, AH286, AH288, AH289, AH291, AH293, AH294, AH295, AH303.

⁷¹ See, Enclosure 3, Tab 2, lines AH189, AH296, AH297, AH298, AH307, AH311, AH312, AH313, AH314, AH315, AH316, AH317, AH321, AH322, AH323.

OSPR Travel Expenses September 2023 – January 2024⁷²

OSPR is seeking \$90.00 in travel expenses for (b) (6). These costs represent meal compensation and are denied because on July 15, 2025, the NPFC requested receipts and on July 28, 2025, OSPR replied to the NPFC's request for additional information citing that OSPR does not require receipts for meals.⁷³ Based on the lack of supporting documentation for the amounts requested, all travel expenses are denied as unsupported by the record.⁷⁴

Total denied \$90.00⁷⁵

CDFW – Owned Vehicle Expenses – September 4, 2023 – November 20, 2023⁷⁶

OSPR is seeking \$1,375.36 for CDFW vehicle mileage incurred during the response. Based on the documentation provided, the NPFC finds a total of \$542.72 is compensable and \$832.64 is denied due to:

1. The mileage log does not coincide with the mileage claimed
Total denied \$578.56⁷⁷
2. Mileage could not be corroborated by personnel time and activity
Total denied \$254.08⁷⁸

Overall Denied Costs: \$32,159.74⁷⁹

V. CONCLUSION:

After careful analysis of all the supporting documentation provided by the claimant and the entire administrative record, the NPFC determines and finds that on September 4, 2023, the tug MAZAPETA was sinking in the Little Potato Slough, a tributary of the San Joaquin River, a navigable waterway of the United States, causing a visible sheen on the surface of the water.

Based on a comprehensive review of the record, the applicable law and regulations, and for the reasons outlined above, Department of Fish and Wildlife: Office of Spill Prevention and Response's request for uncompensated removal costs is approved in the amount of \$44,965.94.

⁷² Enclosure 3, Tab 3.

⁷³ Email from OSPR to NPFC dated July 28, 2025.

⁷⁴ Enclosure 3, Tab 3, lines AH3, AH4, AH5.

⁷⁵ *Id.*

⁷⁶ Enclosure 3, Tab 5 lines AH3, AH8, AH 13, AH21, AH31, AH35, AH43.

⁷⁷ Enclosure 3, Tab 5 lines AF3, AF8, AF21.

⁷⁸ Enclosure 3 Tab 5 Lines AF13, AF31, AF35, AF43.

⁷⁹ Enclosure 3 provides a detailed analysis of the amounts approved and denied by the NPFC.

This determination is a settlement offer,⁸⁰ the claimant has 60 days in which to accept this offer. Failure to do so automatically voids the offer.⁸¹ The NPFC reserves the right to revoke a settlement offer at any time prior to acceptance.⁸² Moreover, this settlement offer is based upon the unique facts giving rise to this claim and is not precedential.

Claim Supervisor:

(b) (6)

Date of Supervisor's review: 11/13/2025

Supervisor Action: *Offer Approved*

⁸⁰ Payment in full, or acceptance by the claimant of an offer of settlement by the Fund, is final and conclusive for all purposes and, upon payment, constitutes a release of the Fund for the claim. In addition, acceptance of any compensation from the Fund precludes the claimant from filing any subsequent action against any person to recover costs or damages which are the subject of the uncompensated claim. Acceptance of any compensation also constitutes an agreement by the claimant to assign to the Fund any rights, claims, and causes of action the claimant has against any person for the costs and damages which are the subject of the compensated claims and to cooperate reasonably with the Fund in any claim or action by the Fund against any person to recover the amounts paid by the Fund. The cooperation shall include, but is not limited to, immediately reimbursing the Fund for any compensation received from any other source for the same costs and damages and providing any documentation, evidence, testimony, and other support, as may be necessary for the Fund to recover from any person. 33 CFR 136.115(a).

⁸¹ 33 CFR 136.115(b).

⁸² *Id.*