

U.S. Department  
of Homeland Security

United States  
Coast Guard



Director  
National Pollution Funds Center

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Washington, DC 20593-7605  
Staff Symbol: (CN)  
Phone: [REDACTED]  
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16480  
April 24, 2018

CERTIFIED MAIL – RETURN RECEIPT REQUESTED  
7017 1450 0000 2456 6084

[REDACTED]  
Assistant Director, Habitat Program  
Washington Department of Fish and Wildlife  
P.O. Box 43200  
1111 Washington Street SE  
Olympia, WA 98504-3200

Dear [REDACTED]:

On October 12, 2017, the National Pollution Funds Center (NPFC) received a claim from the Washington State Department of Fish and Wildlife for Natural Resource Damages from the *F/V Deep Sea* Oil Spill (S12020-WA02). The claim totaled \$126,267 to compensate for lost use of the recreational shellfisheries resulting from the *F/V Deep Sea* oil spill.

Through the enclosed determination, the NPFC offers to pay \$97,722. This determination was made in accordance with the Oil Pollution Act (OPA, 33 U.S.C. §2701 *et seq.*), the OPA claims regulations (33 CFR Part 136).

All costs that are not offered for payment are considered denied. Failure to accept this offer within 60 days will void the offer. You may make a written request for reconsideration of this claim. Instructions for accepting the offer or requesting reconsideration of the claim are included in the determination.

If you have questions about this determination, please feel free to contact me at [REDACTED].

Sincerely,

[REDACTED]  
[REDACTED]  
Claims Manager  
U.S. Coast Guard

Electronic Copy: [REDACTED], WDFW

Enclosures: (1) NPFC determination  
(2) Acceptance/Release Form  
(3) Progress and cost reporting template

## National Pollution Funds Center Determination

Claim Number and Name:	S12020-WA02, <i>F/V Deep Sea</i> Oil Spill Restoration Costs
Claimant:	State of Washington Department of Fish and Wildlife
Claim Type:	Natural Resources Damages
Amount Requested:	\$126,267
Offer Amount:	\$97,722
Denied Amount:	\$28,545
Determination Date:	April 24, 2018

### Summary of the Incident and Claim

On May 12, 2012, the former commercial fishing vessel, *Deep Sea*, anchored in Penn Cove, Whidbey Island, Washington, burned and sank, resulting in the discharge of approximately 5,500 gallons of diesel, hydraulic, and lube oils into Penn Cove, a navigable water of the United States. The U.S. Coast Guard records identify [REDACTED] as owner of the vessel and a responsible party (RP).

The Washington State Department of Health (DOH), in coordination with the Island County Public Health Shellfish Program, closed public beaches in Penn Cove to recreational and commercial shellfish harvesting on May 15, 2012, in response to the spill and the presence of visible oil sheens in the area. A combination of chemical and sensory panel testing was conducted to inform reopening of the closed beaches. San de Fuca, a portion of West Penn Cove, and Long Point beaches were reopened on June 6, 2012, and the southern portion of West Penn Cove and Madrona beaches were reopened on June 22, 2012.<sup>1</sup>

On October 12, 2017, the National Pollution Funds Center (NPFC) received a claim from Washington Department of Fish and Wildlife (WDFW) for \$126,267 to compensate for lost use of the recreational shellfishery.<sup>2</sup> This determination presents the NPFC's findings with respect to this claim.

### Jurisdictional Information

The NPFC first considered whether the claimed damages arose from an incident as defined by the Oil Pollution Act (OPA). 33 U.S.C. §2701 *et seq.* To be covered, the incident must involve a discharge, or a substantial threat of discharge, of oil from a vessel or facility into navigable waters of the United States after August 18, 1990. Based on the information summarized in the previous section, the NPFC has determined that this claim is for natural resource damages resulting from an OPA incident.

### Claimant Eligibility

The NPFC next considered whether the claimant is eligible to submit a claim for compensation. Pursuant to 33 U.S.C. 2706(b) natural resource trustees may present claims to the Oil Spill Liability Trust Fund (OSLTF or the Fund) for uncompensated natural resource damages, which include the cost of restoring, rehabilitating, replacing, or acquiring the equivalent of, the damaged natural resources. 33 U.S.C. §2706(d)(1)(A).

The governor of each State designates trustees for natural resources pursuant to OPA [33 U.S.C. §2706 (b)(3)], with responsibility to assess damages to natural resources under their trusteeship and

<sup>1</sup> Washington State Department of Health, After Action Report: F/V Deep Sea Oil Spill – Penn Cove Shellfish Growing Area Closure, June 2012

<sup>2</sup> State of Washington Department of Fish and Wildlife, Claim for Natural Resource Damages, September 26, 2017

develop and implement plans to restore, rehabilitate, replace, or acquire the equivalent of those injured natural resources. 33 U.S.C. §2706(c)(2).

This claim for natural resource damages was submitted by the WDFW. WDFW, under the authority of the Governor of the State of Washington, is the designated state natural resource trustee and the designated agency to conduct the damage assessment and pursue appropriate remedies. Pursuant to the Revised Code of Washington (RCW) 90.48.368(4), RCW 77.04.012, Subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan [40 CFR 300.605], and Section 1006(b)(3) of OPA. 33 U.S.C. §2706(b)(3). The NPFC has determined that the WDFW is the authorized claimant.

### **General Claim Presentment Requirements**

**Period of Limitations for claims:** Claims to the Fund must be presented in writing to the Director, NPFC within three years after the date on which the injury and its connection with the incident in question were reasonably discoverable with the exercise of due care, or in the case of natural resource damages under 33 U.S.C. § 2702(b)(2)(A) of this title, if later, within three years from the date of completion of the natural resource damage assessment under section 2706(e) of this title. 33 U.S.C. §2712(h)(2) and 33 CFR 136.101(a)(1)(ii).

This claim is for lost use of the recreational shellfisheries. The Washington State Resource Damages Assessment Committee<sup>3</sup> approved the Damage Assessment and Restoration Plan (DARP, or the Plan) on March 8, 2017, and WDFW submitted the DARP (after an initial withdrawal, March 29, 2017) to the Fund following adjudication of public comments in September 2017. In this case, the damage assessment and the restoration plan were completed on March 8, 2017 and the NPFC received the claim on October 12, 2017. The WDFW timely presented its claim to the Fund.

**Notice and opportunity to be heard:** The measure of natural resource damages is the cost of restoring, rehabilitating, replacing or acquiring the equivalent of the damaged natural resources, the diminution in value of those natural resources plus the reasonable costs of assessing the damages. 33 U.S.C. §2706(d)(1). Costs shall be determined with respect to plans. 33 U.S.C. §2706(d)(2). Plans shall be developed and implemented only after adequate public notice, opportunity for hearing, and consideration of all comments. 33 U.S.C. §2706(c)(5). WDFW states that the Plan that forms the basis of this claim was posted on the WDFW website at [http://wdfw.wa.gov/conservation/habitat/oil\\_spill/damage.html](http://wdfw.wa.gov/conservation/habitat/oil_spill/damage.html) and advertised via a statewide press release on August 3, 2017.<sup>4</sup> Two comments were received and adjudicated during the open comment period from August 3, 2017 through September 5, 2017; neither comment required an adjustment to the draft Plan.<sup>5</sup>

**Order of presentment:** With certain exceptions, claims to the NPFC for damages must be presented first to the RP. 33 U.S.C. §2713(a). If a claim is presented in accordance with §2713(a) and is not settled by payment by any person within 90 days after the date upon which the claim was presented, the claimant may elect to commence an action in court or present the claim to the OSLTF. 33 U.S.C. §2713(c)(2).

As indicated in the incident summary, the U.S. Coast Guard determined the responsible party to be the owner of the *F/V Deep Sea*, [REDACTED].

The Plan developed by WDFW and presented to the RP proposes increasing recreational shellfish harvest use through planting oyster seed to increase the biomass/number of available oysters for

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<sup>3</sup> WA State Interagency committee responsible for overseeing the protection and restoration of natural resources injured by oil spills. WA Department of Ecology publication Number: 02-08-004 (Rev. 1/13)

<sup>4</sup> Washington Department of Fish and Wildlife, News Release: WDFW seeks comments on a restoration plan for lost-use of recreational shellfish harvest due to the 2012 F/V Deep Sea oil spill. July 26, 2017

<sup>5</sup> Assessment of Natural Resource Damages F/V Deep Sea Oil Spill – Public Comment Responsiveness Summary, September 2017

harvest. The cost to implement the bivalve seeding program, as presented to [REDACTED], was \$126,267. WDFW verified that all [REDACTED] has provided no funding for assessment restoration activities for this claim. DFW has not commenced an action in court to recover costs that are the subject of this claim.

According to the record, the Attorney General of Washington, Fish Wildlife and Parks Division, representing WDFW, sent [REDACTED] a demand for payment of Natural Resource Damages on July 11, 2016, via U.S. Mail and Certified Mail.<sup>6</sup> The demand was sent again on August 29, 2016, upon telephonic request by [REDACTED]. [REDACTED] did not provide a written response to the demand nor submit payment by October 13, 2016.<sup>7</sup> Subsequently, WDFW sent a letter on August 1, 2017, to [REDACTED] soliciting his input/comments on the Plan.<sup>8</sup> The WDFW received no response from [REDACTED].<sup>9</sup> On October 12, 2017, more than 90 days after presenting its claim to [REDACTED], WDFW presented the same claim to the NPFC. The NPFC notified [REDACTED] on October 26, 2017 via Certified Mail<sup>10</sup> that this claim had been received. The notification was returned to the NPFC as “unclaimed”.

The NPFC has determined that presentment requirements to the Fund have been met in accordance with OPA.

### **Claimant’s Burden of Proof and Adherence to NRDA Regulations**

Under OPA, Trustees bear the burden of providing all evidence, information, and documentation deemed necessary by the Director, NPFC, to support the claim. 33 CFR 136.105(a) and 33 CFR 136.209. To satisfy this requirement, the claimant must submit their plan, which forms the basis of their claim, along with other supporting information so the NPFC can determine that work and associated costs are reasonable and appropriate. The following section of this determination summarizes the NPFC’s review of the Plan and supporting information submitted by WDFW.

WDFW certified that the assessment was conducted in accordance with applicable provisions of the NRDA regulations promulgated under section 1006(e)(1) of OPA. 33 U.S.C. §2706(e)(1). Adherence to specific provisions of the Natural Resource Damage Assessments regulations [15 CFR Part 990] not corresponding with provisions addressed above are addressed below. The noted omissions are WDFW’s failure to open a publically available administrative record for the restoration planning phase<sup>11</sup> and not providing the RP the option of implementing the final restoration plan with Trustee oversight.<sup>12</sup>

### **NPFC Review of Claim Activities and Associated Costs**

**Injury Assessment – injury determination**<sup>13</sup>: The Washington State DOH closed the recreational shellfishery in Penn Cove on May 14, 2012 in response to visible oil sheen resulting from the discharge from the *F/V Deep Sea*. Of the nine specified beaches within the area identified as closed in response to the spill, five had been open to recreational shellfishing at the time of closure (the others were closed due to potential for other contamination). The Washington State DOH followed criteria from NOAA’s “Managing Seafood Safety After an Oil Spill” in determining when to reopen commercial and recreational shellfishing. Based on the reopening criteria, the northern portion of Penn Cove was opened to recreational harvest on June 5, 2012, and Madrona Beach and West Penn Cove south of Mueller Park were reopened on June 22, 2012<sup>14</sup>. NOAA’s “Managing Seafood Safety after

<sup>6</sup> Letter to [REDACTED] from Attorney General of Washington, July 11, 2016

<sup>7</sup> Email letter to [REDACTED] (WDFW) from Attorney General of Washington, October 21, 2016

<sup>8</sup> Letter to [REDACTED] from [REDACTED] (WDFW), August 1, 2017

<sup>9</sup> Letter to NPFC from [REDACTED], WDFW, September 26, 2017

<sup>10</sup> Notification Letter to [REDACTED] from NPFC, October 26, 2017

<sup>11</sup> 15 CFR 990.45 Administrative record

<sup>12</sup> 15 CFR 990.62 Presenting of demand

<sup>13</sup> 15 CFR 990.51 Injury assessment – injury determination

<sup>14</sup> Washington State Department of Health, After Action report: F/V Deep Sea Oil Spill – Penn Cove Shellfish Growing Area Closure, June 2012

an Oil Spill” guidance has been applied in setting reopening criteria by other northwestern states (Alaska and Oregon) and was used in establishing the unified Deepwater Horizon Seafood Protocol.<sup>15</sup> The NPFC has determined that closure of the recreational shellfisheries resulted in lost use of a state of Washington trust resource.

**Injury Quantification**<sup>16</sup>: Based on the results of the DOH enforced beach closures and the status of beaches for shellfish harvest just prior to and following reopening, it was determined that San de Fuca, West Penn Cove, and Long Point were each closed for 22 days due to potential oil contamination while Madrona beach was closed for 38 days. The southern part of West Penn Cove beach also remained closed until June 22, 2012 (38 days), but it was presumed that any shellfish harvesters intending to harvest at this location were likely to have simply moved to the open portion of the beach north of Mueller Park (and therefore treated as only closed for 22 days).

In the absence of direct data on the number of shellfish harvesters that were not able to access the closed shellfish beaches during the incident, WDFW modeled harvester data for the closed beaches using beach user data from 2010 and 2011. According to WDFW, there was no known reason to expect harvester use patterns had changed prior to the incident, an average of the data from the preceding years was used to estimate the expected use of the individual beaches for 2012 during the closure period. The model relies on aerial “head counts” conducted on 50 randomly selected days between March and September each year during daylight clamming tides. The numbers were then extrapolated to “all-day effort”<sup>17</sup> and the days divided into strata to allow for correlation with specific harvest conditions. The strata are based on tidal range and day of the week (weekday vice weekend) to provide for a more accurate correlation with anticipated harvest pressure (e.g., extra low tide on weekend garnering heaviest harvester use). The WDFW then identified the number of closed days per beach for each stratum due to the incident to estimate the total number of harvesters that would have been expected on each of the beaches – total of 1,995.55 user days. On November 6, 2017 the NPFC asked for additional explanation of the extrapolation to all-day effort, how harvesters were distinguished from other beach users, and how harvest trips to alternate beaches were considered. On December 20, 2017, WDFW provided a link to the report serving as the basis for the model to estimate harvest days.<sup>18</sup> The methods used are standard protocols established by the State of Washington to estimate annual catch of clams and oysters on public beaches as required by regional State-Tribal Bivalve Management Plans and to inform recreational harvest seasons and other regulations. With regard to use of alternative beaches, WDFW indicated that they relied on anecdotal evidence suggesting shellfish harvesters in Penn Cove are from the local communities of Oak Harbor and Coupeville and therefore unlikely to travel for a similar opportunity as the closest open beaches were outside the cove. The cost of conducting a user survey to refine the calculation was considered not cost-effective given the scale of injury. NPFC has determined that the method of estimating shellfish harvester use was reasonable and appropriate.

**Injury Valuation:** WDFW selected a *valuation scaling approach* - scaling restoration cost equivalent to the value of the lost services<sup>19</sup> - to calculate damages. During a January 24, 2018 phone conversation, WDFW clarified that although they considered a service-to-service scaling approach (i.e., the level of restoration necessary to generate the equivalent use), they found the variables necessary for the calculation difficult to reliably quantify in a cost-effective manner. It was the judgment of WDFW that valuation of the lost services was practicable, but valuation of the replacement services could not be performed within a reasonable time frame or at a reasonable cost.<sup>20</sup> The NPFC has determined that use of the valuation scaling approach is reasonable and appropriate for determining total damages.

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<sup>15</sup> Ylitalo, G. et al., 2012, Federal Seafood Safety Response to the Deepwater Horizon Oil Spill. Proceedings of the National Academy of Sciences

<sup>16</sup> 15 CFR 99.52 Injury Assessment - quantification

<sup>17</sup> All day effort – the total number of harvesters using the beach during the course of the day

<sup>18</sup> Strom and Bradbury, Estimating Recreational Clam and Oyster Harvest in Puget Sound (Bivalve regions 1, 5, 6, 7 and 8), May 2007

<sup>19</sup> 15 CFR 990.53(d)(3) Restoration selection – Scaling restoration actions – valuation scaling approach

<sup>20</sup> Email/Phone Record from NPFC to WDFW, January 25, 2018

WDFW applied existing published data with regard to the monetary value of a shellfish harvest trip<sup>21</sup> to arrive at a total-lost-user-days value of \$97,722.<sup>22</sup> WDFW relied on a 2008 report<sup>23</sup> that estimated the monetary value of a shellfish harvest trip/day at \$43 in 2006. WDFW then applied a CPI calculus of 1.1388 to arrive at a value of \$48.97 per harvest trip/day in 2012. WDFW's further clarified on December 20, 2018 that, at the time of the assessment, the source document was the most relevant available economic assessment with regard to net economic value of a recreational shellfishing trip/day, and they did not consider it cost-effective to collect survey data for a newer or more geographically specific analysis.

Since completion of the DARP, NOAA published a study with new economic estimates based on 2016 survey data for Puget Sound.<sup>24</sup> NOAA provided NPFC analysis for Penn Cove based on the 2017 model and estimated total lost value associated with the closure of \$108,409.<sup>25</sup> The analysis by NOAA provides validation of WDFW's valuation as a conservative estimate of damages.

Based on the information provided by WDFW and confirming independent analysis by NOAA, NPFC has determined that the injury valuation of \$97,722 is reasonable and appropriate.

**Application of Agency Indirect to Injury Valuation** - WDFW applied their FY16 standard indirect rate of 29.21% or \$28,545 to the calculated injury valuation for a total claim of \$126,267. On December 20, 2017, WDFW further clarified by providing a restoration budget consisting of direct expenses of \$97,722<sup>26</sup> toward the purchase of oyster seed, and \$28,545 in Indirect.<sup>27</sup> Additionally, WDFW confirmed that the claim does not include costs associated with conducting the assessment, labor/transportation costs associated with planting of the oyster seed, nor restoration monitoring activities – these associated expenses to be covered through existing program funds. Per the valuation scaling approach employed by WDFW, the scale of restoration should be cost equivalent to the lost value<sup>28</sup> plus the cost of assessing the damages. Therefore, in the absence of assessment costs, compensation above the injury valuation constitutes over-compensation. Though indirect expenses are compensable, any indirect expenses should be included within a restoration budget cost equivalent to the injury valuation. The NPFC notes that the application of indirect costs may be reasonable in certain circumstances; however, in this instance the addition of \$28,545 to the injury valuation of \$97,722 is not appropriate because it results in restoration costs in excess of the injury valuation. If indirect expenses are a necessary component of the restoration plan, WDFW must amend the Plan, adjusting the scale as necessary to incorporate indirect expenses.

**Restoration Selection**<sup>29</sup>: Preferred Restoration Alternative: WDFW's selected restoration alternative is to plant additional shellfish seed (oysters) on the public access beaches in the Penn Cove area (~2000 bags over 2 years based on prevailing oyster seed bag pricing<sup>30</sup>). Additional shellfish plantings will increase the total harvestable stock allowing for increased shellfishing harvest in the augmented area. The proposed restoration has a high probability of success (as evidenced by the existing shellfish enhancement program operated by WDFW<sup>31</sup>), and can be implemented without additional expenses

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<sup>21</sup>  $\$43 * 1.1388 = \$48.97$ . the \$43 value of shellfish harvest trip in 2006 includes cost of items and services associated with those included in the CPI and are therefore subject to inflation. 1.1388 inflation calculus from [http://www.bls.gov/data/inflation\\_calculator.htm](http://www.bls.gov/data/inflation_calculator.htm)

<sup>22</sup>  $1,995.55 \text{ user days} * \$48.97/\text{user-day} = \$97,722.08$

<sup>23</sup> TCW Economics, 2008, Economic Analysis of the Non-Treaty Commercial and Recreational Fisheries in Washington State, Final Report

<sup>24</sup> Anderson, L. E. and M. L. Plummer, 2017, Recreational Demand for Shellfish Harvesting Under Environmental Closure. University of Chicago Press

<sup>25</sup> Email from NOAA to NPDC, March 7, 2018

<sup>26</sup>  $1,995.55 \text{ lost user days} * \$48.97 \text{ harvest day value} = \$97,722.08$

<sup>27</sup> Letter from the Department of the Interior to the State of Washington executing the Negotiated Indirect Cost Rate Agreement, July 14, 2015

<sup>28</sup> 15 CFR 990.53(d)(3)(ii) - Restoration selection – Scaling restoration actions – valuation scaling approach- *cost equivalency description*

<sup>29</sup> 15 CFR 990.53 et seq. Restoration selection

<sup>30</sup> Jamestown Point Whitney Shellfish Company, Price Adjustment Notice, September 2016

<sup>31</sup> Washington Department of Fish and Wildlife, Puget Sound Clam and Oyster FAQ

for permits or project design, and is easily scalable to meet the “valuation scaling/cost equivalency approach” used in determining total damages. On November 6, 2017, the NPFC asked for additional information on the restoration alternatives considered and the associated evaluation of the restoration alternatives. WDFW provided details of three rejected alternatives in their December 20, 2017 response. WDFW rejected the options of purchasing more land for recreational shellfish harvest given the lack of available parcels within the cost range of injury valuation. WDFW also rejected enhancing site access given lack of evidence that site access is a limiting factor for shellfish harvesters. Finally, WDFW rejected enhancements to the sewage system of the City of Coupeville as the cost of necessary enhancements exceed the calculated injury valuation and the lack of certainty that enhancements would reduce shellfishery closures due to sewage-related contamination. The NPFC determines the selected restoration alternative is reasonable and appropriate and that WDFW sufficiently considered other restoration alternative in light of the restoration scaling approach elected.

### **Request for Reconsideration**

All costs not offered for reimbursement are considered denied. The claimant may make a written request for reconsideration of this claim. The reconsideration must be received by the NPFC within 60 days of the date of the determination and must include the factual or legal basis of the request for reconsideration, providing any additional support for the claim. Reconsideration will be based upon the additional information provided and a claim may be reconsidered only once. Disposition of the reconsideration will constitute final agency action. Failure of the NPFC to issue a written decision within 90 days after receipt of a timely request for reconsideration shall, at the option of the claimant, be deemed final agency action.

### **Summary**

The NPFC has reviewed the claim submitted by WDFW for costs to recover the lost use of recreational shellfisheries resulting from the F/V *Deep Sea* spill in accordance with OPA [33 U.S.C. §2701 *et seq.*] and associated regulations, 33 CFR Part 136 and 15 CFR Part 990. After reviewing WDFW's Plan and additional claim information, the NPFC finds that: (1) the injury identification, quantification and valuation, and the selected restoration activities are reasonable and appropriate, and (2) with the exception of the addition of WDFW indirect costs to the injury valuation, the costs claimed for these activities are reasonable for the proposed level of effort.

Through this determination, the NPFC offers \$97,722 to implement the activities detailed in WDFW Plan. The NPFC denies \$28,545 in claimed damages as that portion constituting over-compensation.

### **Revolving Trust Fund and Return of Unused Funds to the OSLTF**

As established by OPA [33 U.S.C. §2706(f)], sums recovered by trustees for natural resource damages must be retained in a non-appropriated revolving trust account for use only to implement the activities addressed in this determination in accordance with WDFW's Plan. For this claim, the NPFC will deposit \$97,722 into a State of Washington fund type 110 - Special Wildlife Account (for compensation, gifts and grants to be used for the protection, propagation and conservation of wild animals, wild birds and game fish), which WDFW has demonstrated to be a non-appropriated, revolving trust fund. WDFW shall reimburse the Fund for any amounts received from the Fund in excess of that amount required to accomplish the activities for which the claim was paid. 33 CFR 136.211(b).

### **Cost Documentation, Progress Reporting, and Final Report**

As the claimant, WDFW shall ensure that all expenditures of OSLTF funds are documented appropriately and spent according to the Plan for the activities approved in this determination. Any funds not spent for the activities in the Plan or appropriately documented shall be returned to the

Fund. 33 U.S.C. §2706(t).

One year from the date of this determination, and annually thereafter, WDFW shall provide the NPFC with a report on the status of implementation and expenditures. These annual progress reports should include:

1. Certification by WDFW that all activities approved in this determination have been conducted in accordance with the Plan;
2. A progress report that includes a description of work accomplished, timeline for future activities, and any unexpected problems incurred during implementation;
3. A summary of expenditures by category (i.e., labor, consultant/contractors, and travel); and
4. A narrative description of the work accomplished by each individual and how that work fits into the overall progress of the work for the year. Enough detail should be included to determine reasonableness of costs for each employee when cost documentation is received with the final report.

WDFW shall submit a final progress report within 120 days from the date an approved activity is complete. This report should include:

1. Certification by WDFW that all expenditures of OSLTF funds were in accordance with the Plan as approved by the NPFC;
2. A summary of findings;
3. Copies of final reports and/or studies;
4. Documentation of OSLTF funds remaining in the Revolving Trust Fund for this claim, including account balance and interest earned; and
5. Documentation of all expenditures as follows:
  - a. Labor: For each employee -
    - i. A narrative description of the work accomplished by each individual and how that work fit into the Plan. Enough detail should be included to determine reasonableness of costs; and
    - ii. The number of hours worked, labor rate, and indirect rate. An explanation of indirect rate expenditures, if any, will be necessary;
  - b. Travel: Paid travel reimbursement vouchers and receipts;
  - c. Contract: Activities undertaken, lists of deliverables, and contract invoices and receipts;
  - d. Purchases/Expendables: Invoices and receipts, along with an explanation of costs; and
  - e. Government Equipment: Documentation of costs, including the rate (i.e., hourly, weekly) and time for all equipment used for which costs were incurred.

With the final report(s), the NPFC will reconcile costs and all remaining funds and/or inadequately documented costs will be returned to the OSLTF.

The NPFC has prepared standardized templates with instructions to facilitate final cost reporting.

### **Submission Procedures for Acceptance/Release Form or Request for Reconsideration**

If you accept this offer, please complete the enclosed Acceptance/Release Form.

Submit signed Acceptance/Release forms or Request for Reconsideration to:

Director (Cn)  
National Pollution Funds Center  
U.S. Coast Guard Stop 7605  
2703 Martin Luther King Jr. Ave. SE  
Washington, DC 20593-7605

If the NPFC does not receive the signed Acceptance/Release Form or Request for Reconsideration within 60 days of the date of this letter, the offer is void. If the settlement is accepted, payment will be mailed within 30 days of receipt of the Release Form. Please provide account information and instruction for the transfer of funds to your Damage Assessment and Restoration Revolving Fund account with the signed form.

  
Claims Manager  
