

U.S. Department of
Homeland Security

United States
Coast Guard



Director
National Pollution Funds Center

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16480

August 26, 2013

CERTIFIED MAIL Number: 7011 1570 0001 4802 9891

Ms. Rosie M. Price
[REDACTED]

RE: Claim Number: N10036-1921

Dear Ms. Price:

The National Pollution Funds Center (NPFC) has reviewed your request for reconsideration of your claim for lost use of natural resources resulting from the Deepwater Horizon oil spill. We have determined that you have not met your burden of proving a loss as defined by the Oil Pollution Act (OPA, 33 U.S.C. §2701 *et seq.*) and OPA claims regulations (33 C.F.R. Part 136). Accordingly, the NPFC denies payment of your claim. The basis of this determination follows.

Background

On or about April 20, 2010, the Mobile Offshore Drilling Unit Deepwater Horizon exploded and sank in the Gulf of Mexico. As a result, oil was discharged and the Federal Government and Gulf Coast states closed certain waters to commercial and recreational fishing. The Coast Guard designated the source of the discharge and identified BP as a responsible party (RP). BP accepted the designation, advertised its claims process under OPA, and began accepting and adjudicating individual and business claims through the Gulf Coast Claims Facility (GCCF).

On March 8, 2012, the United States District Court, Eastern District of Louisiana, issued a "Transition Order" (TO) that limited the GCCF's ability to pay claims and created a process to facilitate the transition of the claims from the GCCF to a Court-Supervised Settlement Program (CSSP). Under the CSSP, claimants within designated zones will be compensated, as appropriate, by the CSSP unless they opt out. The CSSP began processing claims on June 4, 2012.

Facts of the Claim

On April 25, 2013, the NPFC received your claim for \$43,320 for lost subsistence use of natural resources following the Deepwater Horizon oil spill. You presented your claim to the GCCF on April 11, 2012; you stated that you never received a response from the GCCF regarding this claim. Based on your mailing address, it was also determined that you did not reside within the designated zones subject to CSSP jurisdiction.

The NPFC found that you had not met your burden of proving a subsistence use loss as defined by OPA (33 U.S.C. 2701 et seq.) and the OPA claims regulations (33 C.F.R. Part 136). Your claim was denied in the determination dated May 22, 2013 because you had not:

- 1) Established that you suffered a loss of subsistence use of natural resources as a result of the spill (i.e., you do not provide evidence to support your claim that you had a pattern of subsistence use of natural resources prior to the oil spill, and that you suffered subsistence use losses due to the oil spill); nor
- 2) Explained or documented how you determined your claimed loss of \$43,320 (i.e., the period of your claimed loss and the actual costs incurred to replace your claimed loss including sufficient documentation to establish reasonable estimates of replacement costs based on a pattern of subsistence use).

Request for Reconsideration

On August 5, 2013, the NPFC received your request for reconsideration of the May 22, 2013 determination.

Claim Submission and Documentation

To support your reconsideration request, you provided a single typed letter which stated your request for reconsideration, a general description of your claimed losses, and two maps of the waterways around Galveston Bay. Your letter outlined why you felt you were an eligible claimant and how you were impacted; however, it did not provide evidence to support your claim that you suffered a subsistence use loss due to the oil spill, or explain or document how you determined your claimed loss of \$43,320. You provided no other information or documentation to support your reconsideration request.

NPFC Determination

After careful review of the original claim, inclusive of the additional information submitted with your request for reconsideration, the NPFC finds that you have not provided sufficient documentation to support your claimed loss of subsistence food. You still have not:

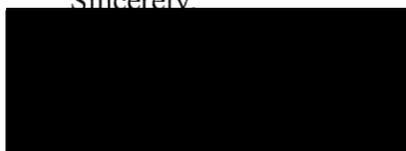
- 1) Established that you suffered a loss of subsistence use of natural resources as a result of the spill (i.e., you do not provide evidence to support your claim that you had a pattern of subsistence use of natural resources prior to the oil spill, and that you suffered subsistence use losses due to the oil spill); nor
- 2) Explained or documented how you determined your claimed loss of \$43,320 (i.e., the period of your claimed loss and the actual costs incurred to replace your claimed loss including sufficient documentation to establish reasonable estimates of replacement costs based on a pattern of subsistence use).

Due to the deficiency in the facts to support your claim, the NPFC denies your claim upon reconsideration. The determination of this request for reconsideration constitutes final agency

action. If you have any questions or would like to discuss the matter, you may contact the NPFC at the address and phone number below.

Chief (Cn)
National Pollution Funds Center
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Sincerely



Claims Division
National Pollution Funds Center
U.S. Coast Guard