

U.S. Department of
Homeland Security

United States
Coast Guard



Director
National Pollution Funds Center

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16480

June 14, 2013

CERTIFIED MAIL Number: 7011 1570 0001 4802 9884



RE: Claim Number: N10036-1957

Dear Mr. Turner:

The National Pollution Funds Center (NPFC) has reviewed your claim for lost subsistence use of natural resources following the Deepwater Horizon oil spill. We have determined that you are not eligible to recover funds from the Oil Spill Liability Trust Fund (the Fund) because, based on the location of your residence, you are subject to the Court Supervised Settlement Program (CSSP)¹ initiated by the United States District Court, Eastern District of Louisiana, and are a member of the settlement class.

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 the federal Oil Pollution Act (OPA), and, on August 23, 2010, began accepting 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) to transition claims processing from the GCCF to a Court-Supervised Settlement Program (CSSP), whereby claimants within four designated zones are subject to court jurisdiction unless they opt out. The CSSP began processing claims on June 4, 2012.

The Claim

On August 10, 2011 the NPFC received your request for \$250 per month for lost subsistence use of natural resources following the Deepwater Horizon oil spill for the period of April 20, 2010

¹ For more information about the CSSP, visit: <http://www.deepwaterhorizoneconomicsettlement.com/>

through the beginning of August 2010. Efforts were made to confirm an actual sum certain and on June 13, 2013 the sum certain was confirmed to be \$750 for the cost of fish purchased during the timeframe within which you were "afraid to use the fish" out of the Gulf of Mexico². Subsequently, the home address that you provided in your claim submission indicates that you reside within one of the four zones included in the CSSP and are a member of the settlement class.

NPFC Determination

You have not supplemented your claim submission with any information to indicate that you are not a member of the settlement class. Therefore, your claimed losses are subject to the court's jurisdiction and you are not eligible to recover funds from the OSLTF.

Request for Reconsideration

Under OPA, you may ask the NPFC to reconsider this determination. Reconsideration requests must be received by the NPFC in writing within 60 days of the date of this letter, and will be based upon the additional factual or legal information that you provide with your request. A claim may be reconsidered only once, and written disposition of a reconsideration request constitutes final agency action. If the NPFC fails to issue a written decision within 90 days after receipt of a request for reconsideration, this determination, at the option of the claimant, shall be deemed final agency action.

Should you choose to request NPFC reconsideration of this determination, please mail the request and additional claim information with the appropriate claim number (N10036-1957) to:

Chief (Cn)
National Pollution Funds Center
U.S. Coast Guard, Stop 7100
4200 Wilson Boulevard, Suite 1000
Arlington, VA 20598-7100

If you have any questions about reconsideration, please feel free to contact the NPFC at the above address or by phone at 800-280-7118.

Sincerely,



EUGENE ELLIOTT
Claims Manager
Natural Resource Damage Claims Division

² See, Optional OSLTF Claim Form, undated, received August 10, 2011

