BUDGET JUSTIFICATIONS

The United States Department of the Interior

and Performance Information
Fiscal Year 2022

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION PROGRAM

NOTICE: These budget justifications are prepared for the Interior, Environment and Related Agencies Appropriations Subcommittees. Approval for release of the justifications prior to their printing in the public record of the Subcommittee hearings may be obtained through the Office of Budget of the Department of the Interior.

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DEPARTMENT OF THE INTERIOR

Natural Resource Damage Assessment & Restoration Program

Fiscal Year 2022 Budget Justifications

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NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION PROGRAM

GENERAL STATEMENT

FY 2022 Budget Request:

The Natural Resource Damage Assessment and Restoration Program's (Restoration Program) Fiscal Year 2022 request for current appropriations is $7,933,000, an increase of $166,000 over the FY 2021 enacted level. The request advances the on-the-ground restoration of natural resources injured by oil spills and the release of hazardous substances into the environment. The Restoration Program will utilize requested funds to effectively deliver science-driven habitat restoration in collaboration with co-trustees using the growing balance of funds recovered in settlements.

Over the last six years (2015-2020), the Natural Resource Damage Assessment and Restoration Fund (Restoration Fund) has received an average of more than $411 million annually in restoration settlements and advanced or reimbursed funds for cooperative damage assessments. Fiscal Year 2022 receipts are estimated to exceed $600 million, with the increase largely due to the finalized settlement for natural resource impacts arising from the Deepwater Horizon oil spill in the Gulf of Mexico. Between 2017 and 2031, the Deepwater Horizon settlement will deliver up to $8.8 billion to the Restoration Fund in annual installments of $490 million. In addition, multiple long-running damage assessment cases have recently settled, while others are pending court approvals, and still others are progressing in settlement negotiations. The influx of settlement funds is expected to continue as these additional cases settle. While this means additional funding is deposited in the Restoration Fund, the vast majority of these restoration settlements are shared jointly with other Federal, State, and Tribal co-trustees, and the use of settlement funds must be approved by the trustees for a given case. While the Department of the Interior (Department) can rarely take unilateral action to use the funds, the Department continues to prioritize the delivery of funds for on-the-ground restoration projects.

Within this budget request, the Restoration Program is committed to maximizing benefits for both injured natural resources and for the American public's use and enjoyment of these resources. Many of these restoration actions will offer opportunities to address climate resiliency on lands and waters, to promote science driven conservation and stewardship, and to collaboratively engage locally led efforts to establish trails and open space in underserved communities. With more than $2.3 billion dollars in settlement funds presently in the Restoration Fund, and with additional settlements and payments on the horizon, moving forward deliberately and strategically to plan and implement restoration actions at dozens of sites nationwide will produce significant ecological and economic benefits.

Total 2022 Budget Request

(Dollars in Thousands)

Budget Authority	2020 Actual	2021 Enacted	2022 Budget Request
Current	7,767	7,767	7,933
Mandatory	536,060	608,106	609,919
TOTAL	**543,827**	**615,873**	**617,852**
FTE	*16*	*18*	18

Fiscal Year 2022 fixed costs of $166,000 are fully funded within the request.

The FY 2022 request also includes an estimate of $619 million in permanent funds from negotiated legal settlement agreements and cooperative damage assessments with responsible parties to be applied to the restoration of injured natural resources by the Department and its co-trustees for each case.

Executive Summary

The mission of the Restoration Program is to restore natural resources damaged as a result of hazardous substance releases into the environment. In partnership with other affected State, Tribal, and Federal trustee agencies, the Restoration Program conducts science-based damage assessments that provide the basis for determining the restoration needs that address the public's loss and use of these resources. Cooperation with its co-trustees and partners, and where possible, with the responsible parties, is an important component of meeting the Restoration Program's core mission.

The Restoration Program is designed to cooperate with co-trustees to restore impaired natural resources that the Department manages. Damages are assessed and appropriate restoration projects identified to inform negotiated settlements or, in rare cases, litigation with potentially responsible parties. Recoveries, via in cash or in-kind services, from the potentially responsible parties finance or implement resource restoration, pursuant to a publicly reviewed restoration plan.

The Office of Restoration and Damage Assessment (Program Office) manages the confluence of the technical, ecological, biological, legal, and economic disciplines and coordinates the efforts of six Departmental bureaus and three offices to accomplish this mission. The Restoration Program has a nationwide presence encompassing nearly the full span of natural and cultural resources for which the Secretary of the Interior has trust responsibility**.** Each bureau has its unique natural resource trusteeship and brings its expertise to bear on relevant sites. The Restoration Program is an integrated Departmental program, drawing upon the interdisciplinary strengths of its bureaus and offices, while eliminating or minimizing redundant bureaucratic and administrative operations and expenses.

The **Bureau of Indian Affairs** is responsible for the administration and management of nearly 56 million surface acres and 59 million acres of sub-surface minerals estates held in trust by the United States for American Indians, Indian Tribes, and Alaska Natives, and provides assistance to 574 federally-recognized Tribal governments to help protect water, natural resources and land rights.

The **Bureau of Land Management** (BLM) administers 245 million acres of Federal land located primarily in 12 Western States, including Alaska, characterized by grasslands, forests, deserts, coastline, and arctic tundra and an additional 700 million acres of onshore Federal mineral estate. The BLM sustains the ecological and economic health, diversity, and productivity of these public lands for the use and enjoyment of present and future generations.

Working in 17 States west of the Mississippi River, the **Bureau of Reclamation** manages 491 dams and 338 reservoirs covering more than 10 million acres associated with irrigation projects to protect local economies and preserve natural resources and ecosystems through the management and effective use of water resources.

The **U.S. Fish & Wildlife Service** (FWS) conserves, protects and enhances fish, wildlife, and plants and their habitats and manages over 95 million acres of land and waters within 568 National Wildlife Refuges, nearly 760 million acres of marine monuments, and 38 wetland management districts for the continuing benefit of the American people, providing primary trusteeship for migratory birds and over 2,000 threatened and endangered species.

The **National Park Service** preserves unimpaired the natural and cultural resources and values of the 85 million acres of land across the 419 units of the national park system and conserves the scenery and the natural and historic objects and the wildlife of these special places for the enjoyment, education, and inspiration of current and future generations.

In addition to the five bureaus with primary trust resource management activities, the **U.S. Geological Survey** (USGS) conducts scientific research in ecosystems, climate and land use change, environmental health and water resources, and provides access to natural resource science to support effective decision making on how to best restore injured natural resources impacted by the release of oil or hazardous substances in the environment.

The Office of the Secretary and the Office of the Solicitor also play key roles in making the Restoration Program a fully integrated Departmental program. The Office of the Solicitor provides legal advice at both the program policy level and in all individual cases. In the Office of the Secretary, the Office of Policy Analysis provides economic analytical expertise to the Restoration Program on both national policy and individual case management, and the Office of Environmental Policy and Compliance provides a link to response and remedial activities associated with oil spills or chemical releases.

The Department, through the Restoration Program and its bureaus, conducts every damage assessment and restoration case in partnership with any co-trustees at various levels of government (Federal, State, and Tribal), and all restoration plans must undergo public review and be approved by affected State and Tribal governments. The Restoration Program serves as a model of collaboration in its day-to-day operations and partnerships that have been developed with Tribal, State, and other Federal co-trustees, as well as with non-government organizations and industry.

The NRDAR Program and its partners support the Administration's priorities as they are inherently part of our mission and goals. For example, during our National Environmental Policy Act (NEPA) evaluation of restoration projects, the use of climate science helps predict impacts to the restoration project over time in order to evaluate the feasibility of the project. Restoration case teams actively solicit and engage local partners in identifying and implementing restoration projects. The trustees often work with local community organizations to provide an educational component to local youth on projects such as invasive species removal or habitat monitoring following restoration.

The Economic Benefits of Restoration

Federal investment in ecosystem restoration and monitoring protect Federal trusts, ensure public health and safety, and preserve and enhance essential ecosystem services while often also generating business activity and creating well-paying American jobs. With support from the Restoration Program and BLM, the USGS Fort Collins Science Center has estimated the economic impacts of 21 specific restoration projects. In the February 2016 report entitled, *Estimating the Economic Impacts of Ecosystem Restoration: Methods and Case Studies*, USGS found that ecosystem restoration projects provide meaningful economic contributions to local economies and to broader regional and national economies, and estimate that between 13 and 32 job-years[1] and between $2.2 million and $3.4 million in total economic output[2] are contributed to the national economy per million dollars invested in ecosystem restoration. These results demonstrate how investments in resource restoration support jobs, small businesses, and rural communities. To date, 11 case studies analyzing local economic job impacts of ecosystem restoration projects have been completed on Natural Resource Damage Assessment and Restoration (NRDAR) cases.

[1] Job-years measure the total number of annualized full and part-time jobs accumulated over the duration of a restoration project.

[2] Economic output measures the total value of the production of goods and services supported by project expenditures, and is equal to the sum of all intermediate sales (i.e., business to business sales) and final demand (i.e., sales to consumers).

Methodology

Economic impact analyses measure how inflows of spending to a local economy generate and support jobs and business activity. In the case of a restoration project, money is directly spent in a local economy on services such as construction and environmental consulting. Firms providing these services purchase materials like rocks and riprap, monitoring equipment, and grass seed to accomplish their work. In many cases, project supplies are purchased within the local economy. In order to meet the resultant increase in demand, suppliers must also increase their purchases of supplies from other industries. This chain of spending creates a ripple effect of economic activity. Economic input-output models capture the interactions between producers and consumers in an economy and describe the secondary impacts of project spending using regional economic multipliers.

To estimate economic impacts, primary data on project composition, activities, and costs are collected for each case study. The economic impacts measured in these analyses include jobs, labor income, and value added to local economies that are supported by the restoration activities. Restored ecosystems are expected to benefit local communities beyond the completion of the restoration project. Thus, restoration projects will create additional future jobs and non-market benefits by providing increased opportunities for tourism, improving, and sustaining fisheries and wildlife habitat, and reducing risk from flooding and other natural disasters. These future benefits are not accounted for in these analyses.

Economic case studies highlight restoration efforts and reveal benefits from restoration projects and the positive effects on communities. For example, settlement funds from the Combe Fill South Landfill Superfund Site in New Jersey were used to initiate a cooperative agreement with The Nature Conservancy to remove the Columbia and Remnant Dams, located on the Paulins Kill River in New Jersey. Staff from the Department's Office of Policy Analysis, FWS, and USGS completed a case study evaluating the economic impacts of the project

Economic Impacts of New Jersey Dam Removals

Restoration Types:	Dam removal, fish passage, habitat restoration, public use
Project Location:	New Jersey
Total Expenditure: ($2019)	$6.83 million
Project Duration:	2015-2020
Job-Years:	85
Labor Income: ($2019)	$6.1 million
Value Added: ($2019)	$8.3 million
Total Economic Output: ($2019)	$14.3 million
Plus:	
In-kind Spending by FWS (nominal $)	$0.44 million

Restoration expenditures for the Columbia and Remnant Dam removals have so far totaled $6.8 million ($2019) over the combined projects' 6-year duration. These expenditures supported approximately 85 job-years (total number of annualized full and part-time jobs) in the region, as well as approximately $6.1 million in labor income (salaries, wages, and benefits) and $8.3 million in value added (contribution of the restoration projects to gross domestic product (GDP)). The total value of the production of goods and services supported by the expenditures (economic output) was approximately $14.3 million. An additional $442,800 of in-kind labor was provided by USFWS. These results also do not include additional future jobs and non-market benefits from increased opportunities for recreation, and improving and sustaining fisheries and wildlife habitat, among other resources.

The Department's Office of Restoration and Damage Assessment (ORDA) manages the Restoration Program. This includes the Director, Restoration Program and administrative personnel, field-based restoration support specialists, and legal and policy specialists. In addition to the ORDA, the organization chart below also identifies key cooperating bureaus and offices that comprise the Restoration Program.

The Restoration Executive Committee is responsible for overseeing policy direction and approving allocation of resources. The Committee includes a representative at the assistant director level for BIA, BLM, BOR, FWS and NPS; and a Deputy Associate Solicitor.

The Restoration Technical Support Group is comprised of bureau NRDAR specialists that ensure integration across the Department and the use of best practices for damage assessment and restoration.

Summary of Requirements Table

Dollars in Thousands ($000)

Appropriation: Natural Resource Damage Assessment and Restoration

Activity	2020 Actual	2021 Enacted		Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)		2022 Budget Request		Change from 2021 Enacted Level (+/-)	
	Amount	Total *FTE*	Amount			*FTE*	Amount	*FTE*	Amount	*FTE*	Amount
APPROPRIATED FUNDS											
Damage Assessments	2,000	*0*	2,000	0	0	*0*	0	*0*	2,000	*0*	0
Restoration Support	2,667	*9*	2,667	+86	0	*0*	0	*9*	2,753	*0*	+86
Inland Oil Spill Preparedness	1,000	*1*	1,000	0	0	*0*	0	*1*	1,000	*0*	0
Program Management	2,100	*8*	2,100	+80	0	*0*	0	*8*	2,180	*0*	+80
Total, Appropriation	**7,767**	***18***	**7,767**	**+166**	**0**	***0***	**0**	***18***	**7,933**	***0***	**+166**
PERMANENT FUNDS (RECEIPTS)											
Damage Assessments	5,554		12,000	0	0		0		12,000		0
Restoration											
Prince William Sound Restoration	7,130		6,000	0	0		0		6,000		0
Other Restoration	527,456		598,876	0	0		0		600,876		+2,000
Program Management	243		100	0	0		0		100		0
Subtotal, Gross Receipts	**540,383**		**616,976**	**0**	**0**		**0**		**618,976**		**+2,000**
Sequestration Reduction	-472		-342	0	0		0		-399		-57
Previously Unavailable Budget Authority	+496		+472	0	0		0		+342		-130
Transfers Out	-4,347		-9,000	0	0		0		-9,000		0
TOTAL, Net Receipts	**536,060**		**608,106**	**0**	**0**		**0**		**609,919**		**+1,813**

Natural Resource Damage Assessment and Restoration Program

Justification of Fixed Costs and Internal Realignments

(Dollars In Thousands)

Fixed Cost Changes and Projections	2021 Change	2021 to 2022 Change
Change in Number of Paid Days	-20	-
This column reflects changes in pay associated with the change in the number of paid days between 2021 and 2022, which is the same number of paid days in both 2021 and 2022.		
Pay Raise	-	+99
The President's Budget for FY2022 includes one quarter of a planned 1.0% pay raise and three quarters of a planned 2.7% pay raise for 2022.		
Employer Share of Federal Employee Retirement System	+49	+34
The change reflects a 1.1% increase in the employer contribution to the Federal Employee Retirement System.		
Departmental Working Capital Fund	+17	+29
The change reflects the final 2022 Central Bill approved by the Working Capital Fund Consortium.		
Rental Payments	+9	+4
The amounts reflect changes in the costs payable to General Services Administration (GSA) and others for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security; which in the case of GSA space, are paid to Department of Homeland Security (DHS). Costs of mandatory office relocations, i.e. relocations in cases where due to external events there is no alternative but to vacate the currently occupied space, are also included.		

Natural Resource Damage Assessment and Restoration Program

Appropriations Language

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment, restoration activities, and onshore oil spill preparedness by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and 54 U.S.C. 100721 et seq., [$7,767,000] *$7,933,000*, to remain available until expended.
(Department of the Interior, Environment, and Related Agencies Appropriations Act, 2021.)

Authorizing Statutes:

Comprehensive Environmental Response, Compensation, and Liability Act*, as amended, *(42 U.S.C 9601 et seq.). Section 106 of the Act authorizes the President to clean up hazardous substance sites directly or obtain cleanup by a responsible party through enforcement actions. Trustees for natural resources may assess and recover damages for injury to natural resources from releases of hazardous substances and use the damages for restoration, replacement or acquisition of equivalent natural resources. Provides permanent authorization to appropriate receipts from responsible parties.

Federal Water Pollution Control Act (Clean Water Act),* as amended, *(33 U.S.C. 1251-1387). Authorizes trustees for natural resources to assess and recover damages for injuries to natural resources resulting from the discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, the waters of the contiguous zone, or in connection with activities under the *Outer Continental Shelf Lands Act* or the *Deepwater Port Act of 1974*, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States.

Oil Pollution Act of 1990, (33 U.S.C. 2701 et seq.) Amends the *Federal Water Pollution Control Act*, and authorizes trustee(s) of natural resources to present a claim for and to recover damages for injuries to natural resources from each responsible party for a vessel or facility from which oil is discharged, or which poses a substantial threat of discharge of oil, into or upon the navigable waters or adjoining shorelines or the exclusive zone.

System Unit Resource Protection Act (54 U.S.C. 100721-25). Provides that response costs and damages recovered under it or amounts recovered under any statute as a result of damage to any Federal resource within a unit of the National Park System shall be retained and used for response costs, damage assessments, restoration, and replacements. Liability for damages under this Act is in addition to any other liability that may arise under other statutes.

Interior and Related Agencies Appropriation Act, 1992 (P.L. 102-154). Provides permanent authorization for receipts for damage assessment and restoration activities to be available without further appropriation until expended.

Dire Emergency Supplemental Appropriations for Fiscal Year 1992 (P.L. 102-229). Provides that the Fund's receipts are authorized to be invested and available until expended. Also provides that amounts received by United States in settlement of *U.S. v Exxon Corp. et al*. in FY 1992 and thereafter be deposited into the Fund.

Interior and Related Agencies Appropriation Act, 1998 (P.L. 104-134). Provides authority to make transfers of settlement funds to other Federal trustees and payments to non-Federal trustees.

ACTIVITY: DAMAGE ASSESSMENT

Appropriation: Natural Resource Damage Assessment	2020 Actual	2021 Enacted	Fixed Costs	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
Activity:							
Damage Assessment $000	**2,000**	**2,000**	**0**	**0**	**0**	**2,000**	**0**
FTE	**0**	**0**	**0**	**0**	**0**	**0**	**0**

In Fiscal Year 2022, the Restoration Program will continue to utilize a mix of discretionary appropriations, recovered assessment costs from recent settlements and/or returned funds from completed assessments, as well as advanced funds from cooperative responsible parties to meet its damage assessment workload requirements. Funding will support ongoing damage assessment efforts at approximately 20 sites and maintain the Restoration Program's damage assessment capability. The Program estimates 50 additional ongoing cases will proceed towards settlement as well, using funds from prior years, with potentially up to 7 cases settling in 2022.

The budget will allow the Restoration Program to maintain the current caseload of damage assessment projects and its focus on the highest priority sites. Additionally, increased focus will be given to cases conducting damage assessment activities in areas consistent with the Administration's priorities, including supporting Tribal communities, communities of color, and rural communities, as well as opportunities to address environmental justice issues.

Activity Overview:

Damage assessment activities are an important first step taken by the Department on the path to achieving restoration of natural resources impaired through the release of hazardous substances. The source, effect, and magnitude of the impairment must first be identified, investigated, and thoroughly understood if the subsequent restoration is to be effective. Through the damage assessment process, physical and scientific evidence of the impact to natural resources is documented, which then forms the basis for a claim for appropriate compensation (or in-kind services) to compensate the American public for the loss and use of impaired Federal resources.

Damage assessment cases are conducted by one or more of the resource management bureaus within the Department: Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, and Bureau of Reclamation. Economic analytical support is provided by the Office of Policy Analysis; scientific and technical analysis and support is provided by the U.S. Geological Survey; and, the Office of the Solicitor provides legal counsel. In nearly all cases, the Department's assessment activities are carried out in partnership with other Federal, State, and/or Tribal co-trustees. These partnerships have proven advantageous, as cooperation, consultation, and collaboration amongst the trustees facilitates addressing resource management concerns and consolidates those concerns into a

single case. Trustees can also share data, achieve economies of scale, avoid duplication of effort and minimize administrative burdens and expenses. Responsible parties also benefit, as they are able to address all trustee concerns in a single, unified case.

The map on the following page shows a snapshot of the Department's damage assessment and restoration cases from the Damage Assessment and Restoration Tracking System (DARTS). This map shows the current status of the case (assessment, restoration, assessment/restoration, or closed), as well as the type of incident (oil, mining, chemical, or other). This system includes documents for more than 250 of the Department's NRDAR cases for which there is a publicly available document. Efforts are ongoing to add more projects and documents to the system.


Marker Symbol
Chemical (143 sites)
Mining (28 sites)
Oil (83 sites)
Other (2 sites)
Marker Color
Assessment (27 sites)
Assessment/Restoration (3 sites)
Restoration (148 sites)
Closed (78 sites)
0
1,000 km
0
500 mi
N
Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS
May 2021
UNITED STATES
MÉXICO
CUBA
Gulf of Mexico
Caribbean Sea

ACTIVITY: RESTORATION SUPPORT

Appropriation: Natural Resource Damage Assessment	2020 Actual	2021 Enacted	Fixed Costs	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
Activity: Restoration Support $000	**2,667**	**2,667**	**+86**	**0**	**0**	**2,753**	**+86**
FTE	**8**	**9**	**0**	**0**	**0**	**9**	**0**

Under the Restoration Support activity, the Program advances restoration efforts and the expenditure of settlement funds to develop and implement restoration plans. The Program will continue to focus its activities in support of trust resource restoration and will see increased restoration outputs and outcomes through existing restoration support staff and resources and increased settlement funds. This will become especially apparent with the continued receipt of Deepwater Horizon oil spill settlement funds and the trustee council's abilities to begin implementation of larger on-the-ground restoration projects. While it is difficult to predict with certainty, the Program anticipates the FY 2022 performance targets will include the cumulative restoration of 46,573 acres and 144 stream or shoreline miles. The Department and its co-trustees will accomplish these goals using settlement funds or in-kind services received in settlement of damage assessment claims with responsible parties.

In FY 2022, the Program will continue its focus on planning, implementation, oversight and monitoring of restoration actions. Following the release of a hazardous substance, the natural resource trustees evaluate the impairments to trust resources and develop a restoration plan that outlines the restoration projects to be conducted. The goal of the restoration projects is to restore resources or services lost as a result of the spill or release to baseline condition, or the level that would exist had the spill or release not occurred. For example, if an oil spill impacts beach dune habitat that is used by shorebirds for nesting, then the restoration projects are designed to restore or create similar dune or beach habitat. Similarly, if the removal of a hazardous chemical or substance from a wetland results in the loss of that wetland, the resulting restoration projects would be designed to restore the same wetland at its current location to baseline condition, or to replace or acquire equivalent similar habitat. Lastly, many incidents also negatively impact the public's use and enjoyment of the lands and resources, and thus, many restoration plans include projects to compensate the public for that loss, often by way of increased access to the restored resources and providing for enhanced recreational opportunities.

Through the Restoration Support activity, the Administration's priorities are integrated throughout NRDAR's activities. For example, in the development of a recent Restoration Plan to develop a park in an urban New Jersey area, the proposed restoration will promote environmental justice with the creation of needed greenspace and waterfront access for local communities near the Diamond Alkali Superfund Site and the Berry's Creek Study Area site. The proposed restoration project provides a unique

opportunity that may not be available otherwise. The following is an excerpt from the draft restoration plan:

> *"Because the Preferred Alternative would be located in the East Newark area, an economically depressed community impacted by past hazardous substance releases, the proposed Project offers Environmental Justice benefits. Plans for the Preferred Alternative also include a means to fund future operations and maintenance for the park, as well as for the implementation of land use controls, ensuring that the benefits created by the Project are maintained into the future."*

Activity Overview:

The restoration of natural resources is the mission of the Department's Restoration Program. Every action the Restoration Program undertakes during the damage assessment phase is done with the end goal of restoration in mind. Upon the successful conclusion of a damage assessment and achieving settlement with the responsible parties, bureaus work in partnership with other affected State, Federal, Tribal and/or foreign co-trustees to use settlement funds to identify, plan, and implement restoration activities. Under the Restoration Support activity, the Program continues its coordinated effort to focus greater attention on restoration activities and to expedite the application of settlement funds to develop and implement restoration plans. Upon request, the Program's Restoration Support Unit (RSU) provides support to the Department's case managers and teams and assistance with meeting various legal and regulatory compliance requirements, identifying possible partnering opportunities, and drafting appropriate documents. The RSU's involvement in assessments, for example, allows restoration options to be identified which increases the efficiency and reduces restoration timelines. In addition, the Program continues to work with the USGS to develop monitoring protocols to better measure the success and impacts of restoration efforts.

In meeting the statutory and regulatory requirements of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Oil Pollution Act to restore, replace, or acquire the equivalent of impaired natural resources, these restoration activities encompass a wide variety of projects that support the Department's mission of conserving natural and cultural resources. By working with its co-trustees and local partners on restoration activities, the Program can focus ecological restoration actions in a way that supports the Administration's initiatives and Departmental goals. The Restoration Program estimates that $2.5 billion in settlement funds will be available in FY 2022 for restoration projects approved by co-trustees. In addition to settlement funds deposited into the Restoration Fund, the Department is party to other natural resource damage settlements where settlement funds are deposited into a Court Registry or some other account selected by the trustees. Additionally, there are a number of settlements where the responsible parties have agreed to undertake or implement the restoration actions (in-kind restoration), with trustee agencies providing oversight to ensure compliance with the terms of the settlement and adherence to the approved and restoration plan. Once fully implemented, the restoration actions are then subject to long-term monitoring by the trustees to ensure they have been effective and met the goals of the restoration plans.

In addition to restoration planning and on-the-ground project implementation, the Restoration Program looks to state-of-the-art science and novel techniques to assist case teams and trustee councils. The RSU works with scientists within the government, with non-government organizations (NGOs) with specific skill sets or utilizes in-house expertise to advance the science of restoration and monitoring. Below are 3 examples:

- Working with USGS Columbia Environmental Research Center to evaluate the use of environmental DNA (eDNA) analysis to determine the presence or absence of freshwater mussel species following re-introduction. This method measures the DNA in a small volume of water to determine the presence or absence of a species and has the benefit of identifying the presence of species that traditional field monitoring methods may miss.

- Partnering with an NGO to plan and develop monitoring studies for two cases that use a community science platform. For one project, trustees will enlist the help of community organizations to collect information on bird use after the restoration is complete. For the other, elementary and high school students will monitor the progress of a nearby restoration project. This has a dual benefit of increasing the Program's knowledge on the progress of the case while at the same time involving students in a STEM project.

- The RSU utilized in-house GIS expertise to evaluate the run-off and the resulting heavy metal contamination from abandoned mine waste piles into adjacent and nearby streams. Using this information, the case team was able to prioritize restoration efforts over a broad geographic area. In addition, the GIS imagery was used to determine which habitats or areas are ideal for restoration versus those that may be unsuitable.

Deepwater Horizon / Gulf of Mexico Oil Spill Settlement

The April 2010 Deepwater Horizon (DWH) oil spill in the Gulf of Mexico resulted in the largest offshore oil spill in U.S. history. On April 4, 2016, the U.S. District Court for the Eastern District of Louisiana approved a historic $20.8 billion settlement agreement with BP Exploration and Production (BPXP), the party found to be primarily responsible for the oil spill. Per the terms of the settlement, BPXP will pay the trustees up to $8.8 billion for restoration to address natural resource damages. These funds will be used to implement the trustees' Programmatic Damage Assessment and Restoration Plan and Programmatic Environmental Impact Statement. BPXP has made payment for the first five years, totaling $2.1 billion to the Restoration Fund, with future annual payments of $490 million scheduled to continue through 2031.

RESTORING RESOURCES

Following the release of a hazardous substance, the natural resource trustees evaluate the impairments to trust resources and develop a restoration plan that outlines the restoration projects to be conducted. The goal of the restoration projects is to restore resources or services lost as a result of the spill or release to baseline condition, or the level that would exist had the spill or release not occurred. For example, if an oil spill impacts beach dune habitat that is used by shorebirds for nesting, then the restoration projects are

designed to restore or create similar dune or beach habitat. Similarly, if the removal of a hazardous chemical or substance from a wetland results in the loss of that wetland, the resulting restoration projects would be designed to restore the same wetland at its current location to baseline condition, or to replace or acquire equivalent similar habitat. Lastly, many incidents also negatively impact the public's use and enjoyment of the lands and resources, and thus, many restoration plans include projects to compensate the public for that loss, often by way of increased access to the restored resources and providing for enhanced recreational opportunities.

Restoring Access to Outdoor Recreation:

Often, resource injuries result in diminished public use or access to the natural resources, leading the Department and our co-trustees to design and implement projects to restore public use. Before implementation, restoration plans must undergo public review to ensure broad support for the actions to restore the injured resources. There are several ways for the public to get involved with natural resource restoration. The program relies on input from the public during the restoration planning phase through public meetings and forums. Additionally, volunteers are encouraged to participate in restoration implementation activities.

Several recent recreation and land acquisition projects have included sites like the M/T Athos I Oil Spill in New Jersey, Fox River/Green Bay PCB's Site in Wisconsin, Deepwater Horizon Oil Spill in the Gulf of Mexico, DuPont-Waynesboro hazardous substance release in Virginia.

M/T Athos I, New Jersey

In November 2004, the tanker vessel M/T Athos I departed Venezuela for the Citgo Asphalt Refinery in New Jersey. When the vessel reached New Jersey, it struck several submerged objects including an 18,000-pound anchor which punctured the hull, releasing nearly 265,000 gallons of crude oil into the Delaware River and nearby tributaries. Oil from the ruptured tanker spread 115 miles downriver, impacting approximately 280 miles of shoreline in Pennsylvania, New Jersey, and Delaware.

In 2010, the trustees of the M/T Athos I Oil Spill received $27.5 million for ten restoration projects designed to benefit the environment, coastal communities, and economy in the Delaware River watershed. Over the past several years, most of the Athos projects have been completed and are currently being monitored for sustainability. The projects have created habitat and new recreational opportunities in Pennsylvania, New Jersey, and Delaware. The Athos Restoration Plan projects included: oyster reef creation (NJ, DE); Darby Creek dam removal and habitat restoration (PA); construction of the Augustine boat ramp (DE); and trail restoration at Little Tinicum Island (PA).

Future site of 7th Street boat ramp, located at the confluence of the Christina and Brandywine Rivers in Wilmington, DE. Implementation scheduled for 2021.

In 2020, the State and Federal trustees released an amendment to the Final Restoration Plan to relocate a planned boat ramp in order to expand

access to the Delaware River. Anticipated costs for the new location, the 7th Street Boat Ramp in Wilmington, DE total $1.2 million, of which the Trustees contributed $819,000. An increase in the abundance of Striped bass in waters near Wilmington, close to the new location, will improve access and enjoyment in an environment that will help urban communities experience the outdoors.

Fox River/Green Bay, Wisconsin

The Lower Fox River, located in northeastern Wisconsin, flows northeast for 39 miles where it discharges into Green Bay and Lake Michigan. Between 1954 and 1971, paper companies using polychlorinated biphenyls (PCBs) to make carbonless copy paper as well as other handlers of PCB sediment and waste discharged nearly 700,000 pounds of these chemicals into the Fox River. These releases resulted in injuries to fish, wildlife, surface water, and sediments. Trustees for Fox River Green Bay include the Department of the Interior - represented by the U.S. Fish and Wildlife Service, the Wisconsin Department of Natural Resources, the Oneida Nation, and the Menominee Indian Tribe.

Since 2002, the Trustees have recovered $90 million in multiple settlements dedicated to the implementation of restoration projects that compensate for PCB-related injuries to natural resources. These funds have been allocated for over 190 restoration projects. Some examples of recent projects include: land acquisition on Detroit Island that added to the Green Bay National Wildlife Refuge, adding more acres to the Rush Lake Land Preservation project and Winnebago Pools Priority Protection Project, restoring and enhancing the Ken Euers Nature Area, and acquiring property that will provide new public access to the Green Bay.

Detroit Island:

A new tract of land just off the Door County peninsula was recently added to the Green Bay National Wildlife Refuge. The project contributed approximately 150 acres of land on the southern end of Detroit Island to the refuge. The nearly unspoiled coastal island has expanded protected critical habitat for fish and wildlife. This acquisition was a collaborative effort between FWS and the Herschberger family who have owned the land since the mid-1930s, with support from the Door County Land Trust. An initial survey noted a very diverse and unique assemblage of plants and animals living on the island. This new acquisition on Detroit Island is open for public use from Memorial Day to Labor Day and is a perfect spot for nature enthusiasts to hike primitive land or snap undisturbed nature photography.

Detroit Island Shoreline. Photo: FWS

Rush Lake Land Preservation & Winnebago Pools Priority Projects:

The Fox River Trustees and Ducks Unlimited partnered to protect 2 parcels of high-quality wetland and upland habitat. Both acquisitions are part of a larger project to preserve waterfowl and migratory bird

habitat. Together, both projects extend land protections to nearly 381 acres of habitat for waterfowl, fish, and other species sensitive to habitat degradation.

The Rush Lake Land Preservation project began in 2014 with the goal of protecting 166 acres of quality habitat for waterfowl and other migratory birds. The project recently added an additional 53 acres in 2020, bringing the total protected acres to 221 acres. These acquisitions not only provide suitable habitat, but also positively impact water quality within local watersheds and enhance downstream aquatic resources.

This land acquisition, near White River Marsh in Winnebago County, has incredible public benefits including improved water quality and access to outdoor recreation, while providing prime conservation potential not only for migratory birds, but also for federally-listed endangered species such as the whooping crane. In 2020, the whooping crane population included 826 individuals, with 85 birds in the Wisconsin-Florida migratory flock. Efforts to conserve more high-quality habitat for species like the whooping crane will support an expanded population, contributing to recovery of the species.

Parcel preserved for conservation. Photo: Ducks Unlimited

The second project saw added land protections for the Green Bay and Winnebago Pools Priority Protection Project. Four parcels of land adjacent to the Uihlein Waterfowl Production Area in Winnebago County were purchased to increase wetland and upland habitat for migratory birds and other wildlife. The added lands total 160 acres of coastal marsh habitat, shallow wetlands, wet meadows, and wet-mesic grasslands. This tract will become a part of the Uihlien Waterfowl Production Area and will be open to the public, providing a variety of outdoor recreational opportunities. Once restored, the areas would provide improved wildlife habitat and potentially support the federally-threatened Eastern prairie fringed orchid. Duck hunters frequenting the WPA may see increased numbers of blue-wing teal, American wigeon, mallard, wood duck, American black duck, other waterfowl, and migratory shorebirds.

Ken Euers Nature Area:
Along Green Bay's southwestern shore lies a quiet place, Ken Euers Nature Area, a city-owned space. Thanks to a unique partnership between the City of Green Bay and local conservation groups, the Nature Area has been revitalized, breathing new life into the overgrown nature area. Ken Euers was a man who loved the outdoors and in the 1960s championed preserving the low-lying wetlands. He worked hard to bring more people to nature through his efforts, preserving lands for hunters, teaching hunter safety courses, and speaking up to defend marshlands that had no one else to speak for them. In recent years the park has been reshaped, the once overgrown park in need of repairs with limited habitat, now has become a desirable place for local naturalists, bird watchers, and nature lovers.

Removed trees and brush have been repurposed for other habitat restoration projects in the area, a nod to the long-standing conservation practice of recycling. The nearly 117-acre area now welcomes those seeking a natural retreat close to home. Since the construction projects have concluded, more people are discovering the area's natural resources as a conservation treasure trove. More families are spending the day exploring under the cottonwoods and aspens. Photographers can line up incredible shots of Canada geese, ducks, pelicans, and herons. Anglers can drop a line in hopes of landing a bite, or at least a fish tale to tell their friends and family. Even the ambitious kayaker can put their boat in the Bay near the parking lot for an afternoon aquatic adventure.

Side channel near the mouth of Duck Creek to the west of Ken Euers Nature Area. Photo: Amy Carrozzino-Lyon

Acquisition for Public Boat Landing to the Green Bay:

With the support of local stakeholders, the trustees recently partnered with Brown County and several other conservation groups to purchase a 4.5-acre parcel on the eastern shore of Green Bay. Once home to a now-dilapidated supper club, the property will provide improved access for fishing and water-based activities at a safe harbor location. Local boaters and anglers say this was potentially the last conducive site left on the Bay for providing this type of public access due to development pressures.

The Fox River Trustees supported approximately 50% of the acquisition cost of the site, which was purchased in the fall of 2020. Many agencies, organizations, and local stakeholders have invested in this initiative, such as the Wisconsin Department of Natural Resources, Brown County, the Green Bay Visitor's Bureau, and numerous local fish and waterfowl conservation clubs.

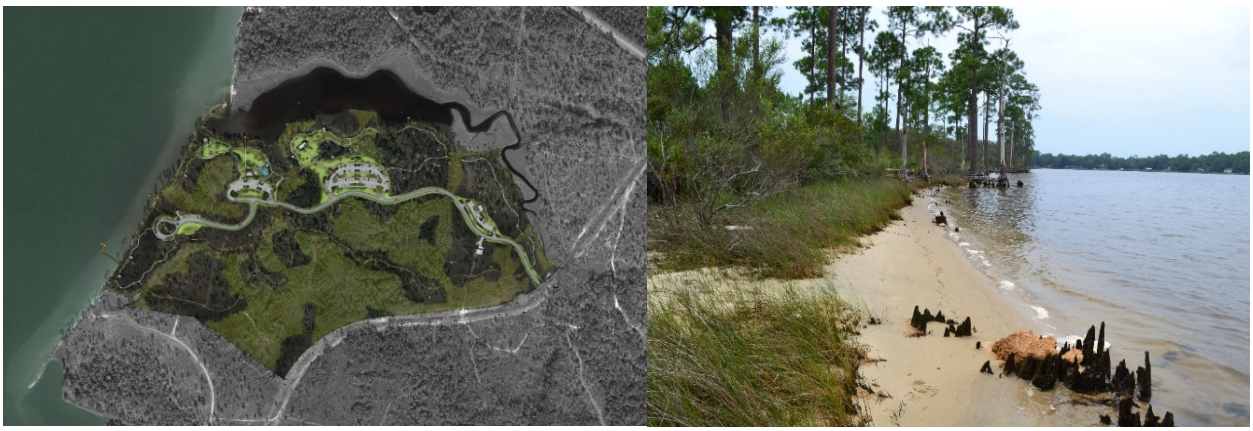
Left: Future location of the future Brown County Boat Launch and Safe Harbor. Right: The former Eagle's Nest Supper Club on Nicolet Drive in Green Bay. Photo: Sarah Kloepping USA today

Other benefits from managing this property include integrating appropriate storm water management to reduce runoff and residential flooding, as well as shoreline restoration opportunities that will benefit numerous fish species, including walleye.

Deepwater Horizon Oil Spill, Florida

The Lynn Haven Preserve and Park Project, located in Lynn Haven, Florida includes acquisition and management of a 90-acre parcel and recreational facilities using settlement funds from the *Deepwater Horizon* (DWH) oil spill. The park will compensate the public for some of the access and recreational opportunities lost as a result of the 2010 oil spill. In an ancillary, but very important side benefit of the project, the park's design will protect onsite Panama City crayfish habitat.

The new public park located along the shore of North Bay and McKitchen's Bayou in Lynn Haven will provide public access to waterways and new recreational facilities, while also protecting rapidly disappearing habitat for the Panama City crayfish. Some of the other park amenities are more traditional and include an outdoor classroom, a two-story screened-in bay and bayou overlook, picnic pavilions, and a disc golf course. Dock access to the bay and bayou will be provided for kayaks and fishing and there will be dock access to motorized boats on the bay. A bayou boardwalk, trails, and wildlife viewing area will include interpretive signage, including information about the Panama City crayfish.

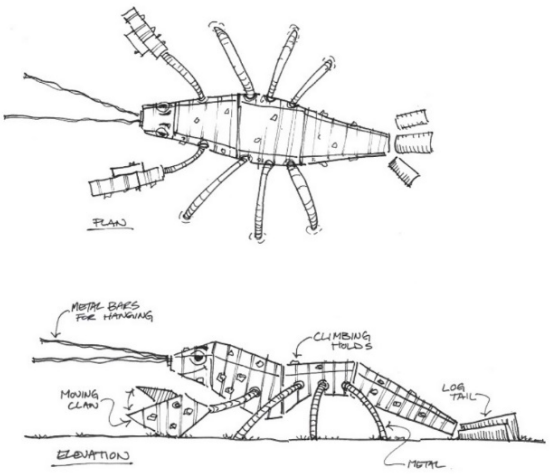


Lynn Haven Preserve and Park Project aerial (left) and shoreline (right).

This tiny animal, which was thought by many to be extinct until 2000, measures about two inches in length, and is known to inhabit only about 50 square miles in Bay County, Florida. Its native habitat is wet, pine flatwood forest, however due to development the crayfish is now predominantly found in roadside ditches. The FWS recently proposed this crayfish for protection under the Endangered Species Act.

In recognition of the crayfish and its onsite habitat, the park will also include a giant crayfish climbing structure, a request made by the students of nearby Deer Point Elementary School. The giant crayfish climbing structure measures 25 feet in length and is located in a natural playground area.

Community input into the park's design was facilitated by the Trust for Public Land and Wood and Partners while the crayfish climbing structure was designed and built by Earthscape. The Trustees are working with partners, including the Florida Fish and Wildlife Conservation Commission, to implement a conservation strategy for new and existing preserved areas, which will improve the crayfish's habitat over time.



Crayfish rendering for giant crayfish climbing structure measuring 25 feet in length.

DuPont Waynesboro, Virginia

Mercury from industrial activities at a former E.I. du Pont de Nemours and Company (DuPont) facility in Waynesboro, VA, contaminated the South River and South Fork Shenandoah River, impacting fish, wildlife, and their habitats, including over 100 miles of river and associated floodplain and riparian habitat . In July 2017, the Trustees, including the Department of the Interior, represented by the Fish and Wildlife Service and the Commonwealth of Virginia, received a settlement of $42 million to address natural resource injury and to implement restoration projects related to the impacted resources in the South Fork Shenandoah River watershed. Proposed restoration includes projects to improve water quality and fish habitat, such as agricultural and urban best management practices; freshwater mussel propagation and restoration; neotropical migratory songbird full life cycle restoration; land protection, property acquisition, and recreational and wildlife enhancements; recreational fishing improvement projects; and renovation of a Virginia fish hatchery. In Fiscal Year 2020, settlement funded restoration projects were completed that benefit aquatic, wetland, and upland habitat and associated fish, wildlife, and recreational uses. A total of 730 acres were permanently protected in Virginia, with an additional 900 acres in 2021.

The expansion of Deep Run Ponds Natural Area Preserve now totals 906 acres after two separate acquisitions totaling approximately 198 acres were added to the preserve in 2020. The Preserve contains significant species and resources, including unique sinkhole pond habitat as well as habitat for migratory birds and federally listed threatened plants, like Virginia sneezeweed. The acquisitions also included thousands of linear feet of headwaters streams, including Madison Run, a popular recreational fishing stream. Funding for restoration activities will be provided through the DuPont settlement in subsequent years to improve habitat quality.

An additional 63 acres in the Deep Run Ponds area were acquired and are held by Potomac Appalachian Trail Club under a conservation easement. In the future, approximately 54 of these acres will be incorporated into the Shenandoah National Park, and the remaining 9 acres will be retained by the Potomac Appalachian Trail Club.

One of the new acquisitions at Deep Run Natural Area Preserve. Photo from the Environmental Site Assessment prepared by Marsh and Legge.

Additional acquisitions of land in 2020 included the creation of the Cave Hill Natural Area Preserve for which approximately 119 acres were acquired. The property contains historically significant caves that provide habitat for the federally-listed threatened Madison Cave Isopod as well as 78 acres of woodland habitat adjacent to the South River, and 41 acres of upland habitat that will be reforested and restored. Second, the creation of the Lyndhurst Ponds Natural Area Preserve for which approximately 350 acres were acquired. This site includes Shenandoah Valley Sinkhole Pond communities, forested habitat, headwaters streams, and habitat for migratory birds, mammals, amphibians, reptiles, plants, and federally and state-listed species, including Virginia Sneezeweed. The DuPont settlement will continue to fund restoration activities in subsequent years, including the creation of the Dooms Acquisition/Recreational Fishing Access for which 5 acres were acquired for the eventual creation of a new recreational fishing access point.

Sinkhole pond habitat at Lyndhurst Pond Natural Area Preserve (left). Virginia Sneezeweed and Mountain Doll's Daisy (right).

In early 2021, over 900 acres of rolling woodlands in Page County, Virginia were acquired through partnership between the Trustees and the Shenandoah National Park Trust. The land will ultimately be donated to the National Park Service to become part of the Shenandoah National Park. The large acreage

of contiguous and relatively undisturbed woodland and forested habitat will provide habitat to black bears, migratory birds, bats (potentially including Indiana Bat and Northern Long-Eared Bat), and other wildlife. Protecting lands within the South Fork Shenandoah River watershed through the DuPont settlement will help restore recreational opportunities lost to mercury pollution and improve waterways for future generations.

Combe Fill South Landfill Superfund Site, New Jersey

The Combe Fill South Landfill is located in the New Jersey Highlands Region, an area known to support an exceptionally diverse array of natural resources including unique biotic communities and critical habitats. Natural resource trustees, including the U.S. Fish and Wildlife Service, NOAA, and the State of New Jersey determined that the release of hazardous substances from the landfill resulted in a 230-acre plume of contaminated groundwater beneath and around the Site. Site leachate additionally impaired or degraded 11.7 acres of forested wetland habitat; injured the surface water, benthic macroinvertebrates, and fish of approximately 1.9 river miles of Trout Brook; and injured the surface water and biota of approximately 1.5 river miles of an unnamed tributary. A 2009 settlement provided Trustees with compensation for non-groundwater natural resource injuries.

Photo credit: © Jeff Burian, The Nature Conservancy

Using funds from the NRDAR settlement, the trustees initiated a cooperative agreement with The Nature Conservancy to remove the Columbia and Remnant Dams, located on the Paulins Kill River, NJ. At a price tag of over $7 million for planning and implementation from 2015 to 2020, the project represents the largest dam removal project to date in NJ. Removal of the Columbia Dam (18 feet tall, 330 feet long)

and the partially breached Remnant Dam located just downstream (20 feet tall, 210 feet long) occurred in 2018, reconnecting 11 miles of the Paulins Kill mainstem and 22 miles of tributary streams to the Delaware River for the first time in 109 years. The project also included: (1) installation of six fish passage weirs in a high gradient reach; (2) restoration of 47 acres of forested wetland and floodplain habitat (e.g., plantings and stream bank stabilization); (3) scour protection countermeasures for Interstate-80 and two historic stone bridges; (4) construction of at least one public boat launch; and (5) construction/restoration of around three miles of recreational trails.

In April 2019, American shad were documented 9.5 miles upstream of the former Columbia Dam; an early demonstration of the project's ecological value. Long-term monitoring of fish assemblages, benthic macroinvertebrates, water quality, aquatic habitat, and recreational use will continue for 3-4 years post removal to strengthen scientific understanding of the ecological values associated with the dam removal. This project is part of a larger effort to restore water quality and aquatic habitat in the Paulins Kill River. Two additional upstream dams will be removed within the next 5 years, providing 22 mainstem river miles of unimpeded fish passage.

The primary project partners included: The Nature Conservancy; New Jersey Department of Environmental Protection; American Rivers; the Department of Agriculture's Natural Resources Conservation Service; the National Fish and Wildlife Foundation—Delaware River Program; Princeton Hydro; Sumco Eco-Contracting; and RiverLogic Solutions.

ACTIVITY: INLAND OIL SPILL PREPAREDNESS

Appropriation: Natural Resource Damage Assessment	2020 Actual	2021 Enacted	Fixed Costs	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
Activity:							
Inland Oil Spill Preparedness $000	**1,000**	**1,000**	**0**	**0**	**0**	**1,000**	**0**
FTE	**1**	**1**	**0**	**0**	**0**	**1**	**0**

The Inland Oil Spill Preparedness Program began in FY 2015 primarily to update training materials that had not been revised since 2005 and to train field-based response personnel. The Department's inland oil spill training course has been updated, and through the first quarter of FY 2020 has provided 27 courses with more than 640 individuals having completed the updated training. The Program has trained approximately 480 Department staff, 40 staff from other Federal agencies, and over 100 staff from State and local governments, and Tribes. In-person training was put on hold in 2020 and through 2021 due to the COVID-19 pandemic but are planned to resume with two courses scheduled for 2022. In FY 2022, the Program will prioritize updating regional and local spill contingency plans and participation in regional and national oil spill exercises to ensure readiness.

Activity Overview:

The objective for the Inland Oil Spill Preparedness Program (IOSPP) is to improve overall preparedness and the ability to respond to inland oil spills in ways that better protect the Nation's natural and cultural resources, historic properties, and public lands. When an inland oil spill occurs, personnel from the Department's bureaus are often among the first responders, along with State and local responders and the Environmental Protection Agency (EPA) on-scene coordinators. Pre-incident preparation requires contingency planning, including response teams efforts, planning, and inland oil spill drills.

The IOSPP funds are used for a variety of research projects that support the Administration's priorities. For example, the program is working with several USGS Environmental Centers to evaluate the flow, trajectory, and potential impacts of inland oil spills. This information will be used by federal, state, and local responders to inform and prioritize their response actions and to protect sensitive, unique, and publicly-owned land, furthering the goal of protecting land and habitat so as to not lose these habitats to the impacts of spills and releases.

Through its National Response System, the EPA leads the Federal response for inland oil spills, and the U.S. Coast Guard leads the Federal response for spills occurring offshore and in navigable waterways, including major rivers, lakes, and bays. The Department is a primary Federal natural resource trustee with land and natural resources that could potentially be impacted by inland oil spills, including those managed by the Department's bureaus, and the trust lands and resources of Native American Tribes.

ACTIVITY: PROGRAM MANAGEMENT

Appropriation: Natural Resource Damage Assessment	2020 Actual	2021 Enacted	Fixed Costs	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
Activity: Program Management							
$000	**2,100**	**2,100**	**+80**	**0**	**0**	**2,180**	**+80**
FTE	**7**	**8**	**0**	**0**	**0**	**8**	**0**

Program Management efforts and activities focus on providing the tools, processes, and resources necessary for the Department's bureaus to achieve the efficient restoration of natural resources. In 2022, Program Management funds will support ongoing Program efforts to improve efficiency and effectiveness and to reduce costs.

The FY 2022 request includes funding for staff within the Office of Restoration and Damage Assessment to manage settlement funds, maintain support systems, and promote restoration. In addition, funds will be provided to trustee bureaus and supporting offices for Technical Support Group (TSG) participation and overall program support, commensurate with the recent growth in the number and size of settlements and the resulting restoration case workload.

Activity Overview:

The Program Management activity provides the Office of Restoration and Damage Assessment the necessary resources to provide the strategic vision, direction, management, and coordination of inter-Departmental activities required to carry out the Restoration Program. It manages the intersection and complex interdisciplinary relationships between biology, environmental toxicology, natural resource management, economics, and law. The Program Management activity allocates damage assessment project funding; monitors program performance and ensures accountability; provides the framework for identifying and resolving issues that raise significant management or policy implications; manages the Restoration Fund; develops the Department's policies and regulations for conducting and managing damage assessment and restoration cases; responds to Departmental, Office of Management and Budget, and Congressional inquiries; and ensures coordination among Federal, State, and Tribal governments. Program Management funds also cover fixed costs such as office rent, the Departmental Working Capital Fund, and other similar charges.

Throughout the management of the NRDAR Program, the Administration's priorities are being incorporated in wide range of its day-to-day activities. Using climate science in case management decisions, promoting habitat protection, engaging Tribal Nations, and supporting underserved communities are all consistent with the rules and regulations that govern the Program. For example, efforts are underway to revise the Program's Departmental Manual to remove existing language that cautioned against the purchase and protection of lands that could be added to Federal, State, or local

ownership. The new language will encourage NRDAR trustee councils and case teams to consider the acquisition of lands if doing so fits within the restoration goals of the case and restores the injured resources.

The Restoration Program Office continues to utilize and refine its information technology tools including the Damage Assessment and Restoration Tracking System (DARTS), an online database system used to house case information, case proposals, and related documents. The Restoration Program Office will continue to enhance existing tools to improve effectiveness using integrated systems to track damage assessments, restoration actions, and outcomes. This online system supports case management from initiation, through damage assessment, claim close-out, restoration implementation and monitoring, and case closure. Case teams have the ability to enter information about individual restoration projects and have that information displayed on their cases pages for the public to view. This system produces functional reports for use by stakeholders; high-quality, accessible, relevant data; and provides a single, efficient location for data and documents. In 2022, enhancements to the system will include the ability for case managers to enter and track their specific costs associated with their restoration projects. Not only does the implementation of restoration projects help restore resources injured by oil spills or hazardous substance releases, but they also have a beneficial impact to local economies. Using project information from DARTS, the Department's economists will have the ability to quantify the economic contributions of a wide variety of restoration projects.

The Restoration Program Office will continue outreach and coordination with Federal, State, and Tribal co-trustees to address issues of mutual interest among the different levels of government. These efforts will focus on improving assessment and restoration techniques and sharing best practices to increase efficiency and effectiveness while reducing costs.

Section 403 Compliance

Section 403 of the Consolidated Appropriations Act, 2021 (P.L. 116-260) directs the disclosure of overhead, administrative, and other types of administrative support spending. The provision requires that budgets disclose current amounts and practices with regard to overhead charges, deductions, reserves, or holdbacks from program funding to support government-wide, Departmental, or bureau administrative functions or headquarters, regional, or central office operations.

External Administrative Costs
(Dollars in Thousands)

	FY 2020 Actual	FY 2021 Enacted	FY 2022 Request
DOI Working Capital Fund			
Centralized Billings	69	86	115
Fee for Services	41	45	45
Direct Billings (Financial Mgmt)	126	130	130
Total, DOI Working Capital Fund	236	261	290
DOI Office of the Chief Information Officer			
Telecomm, Software and Support	5	5	5
Fish and Wildlife Service			
FWS User-Pay Cost Share	132	123	130
Bureau of Safety and Environmental Enforcement			
Personnel / HR Services	61	76	80
U.S. Geological Survey			
Common Services Support	64	120	120
U.S. Department of Justice			
DOJ Sec. 108 3% Offset Authority	102	100	100

For 2022, the Restoration Program's costs related to overhead, administration, and central/regional operations are addressed in three components of the budget, all under the heading of External Administrative Costs. These costs include amounts paid to bureaus, the Department, or other Executive Branch agencies to support bureau, Departmental or Government-wide administrative costs.

Charges related to the Departmental Working Capital Fund (WCF) shown in the table reflect the Restoration Program's share of centralized Departmental expenses for items and expenses such as facility services, shared information technology management, security, mailroom services, costs associated with audited financial statements, and other WCF charges.

Charges related to the Office of the Chief Information Officer are for telecommunications, software licenses, and related services.

The Fish and Wildlife Service (FWS) levies its User-Pay Cost Share charges on damage assessment and restoration funds provided to the Service from the Restoration Program. Funds collected by FWS are used to offset a range of administrative costs and enterprise-level information technology expenses. For

2022, User-Pay Cost Share charges to the Restoration Program are estimated to be $130,000. The amount identified for 2022 is an estimate based on 2021 workload, and the actual amounts to be billed may change depending upon actual 2022 workload, the timing of settlements, and the ability to recover such costs through settlement negotiations. Indirect costs are not assessed on previous settlements or in cases where FWS indirect costs were not included or recovered in the final settlement.

Charges related to the Bureau of Safety and Environmental Enforcement identified in the preceding table reflect the Restoration Program's share of personnel management and human resources (HR) services provided to the Office of the Secretary, covering items such as HR policies and procedures, staffing and delegated examining, employee classification, Senior Executive Service appointments, personnel security, reorganizations, and reductions-in-force.

The U.S. Geological Survey (USGS) applies a seven percent administrative overhead charge to all funds provided to USGS, primarily to the Columbia Environmental Research Center. Funds collected by the Center are used to offset common client administrative and facility expenses. Funds provided to USGS from the Exxon Valdez Oil Spill settlement include a nine percent general administrative assessment.

The Department of Justice (DOJ) applies a three percent offset to some, but not all, civil litigation debt collections made on behalf of the Restoration Program. Authority for these offsets can be found in Section 108 of the Commerce, Justice, and State Appropriations Act for Fiscal Year 1994 (P.L. 103-121, 107 Stat 1164 (1994). The offset is applicable to collections where the Department is the sole recipient of the funds. Funds subject to the offset authority are credited to the DOJ Working Capital Fund. The DOJ offset authority does not apply to restoration settlements jointly shared with non-federal co-trustees that are collected by DOJ and deposited into the Restoration Fund.

The Program Management activity, which includes Restoration Program administrative functions, funds management, and central and regional operations, does not assess or levy any internal program overhead charges, deductions, or holdbacks to support program operations.

Good Accounting Obligation in Government Act Report

The Good Accounting Obligation in Government Act (GAO-IG Act, P.L. 115-414) enacted January 3, 2019, requires that Agencies report the status of each open audit recommendation issued more than one year prior to the submission of the Agency's annual budget justification to Congress. The Act requires Agencies to include the current target completion date, implementation status, and any discrepancies on closure determinations.

The Department of the Interior leadership takes audit follow-up very seriously and considers our external auditors, to include the Government Accountability Office (GAO) and Office of the Inspector General, valued partners in not only improving the Department's management and compliance obligations but also enhancing its programmatic and administrative operations. As stewards of taxpayer resources, the Department applies cost-benefit analysis and enterprise risk management principles in recommendation implementation decisions.

The Department's GAO-IG Act Report is available at the following link: https://www.doi.gov/cj

DEPARTMENT OF THE INTERIOR
NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION
EMPLOYEE COUNT BY GRADE

	2020 Actual	2021 Enacted	2022 Request
SES	1	1	1
GS/GM-15	1	3	3
GS/GM-14	3	1	1
GS/GM-13	6	6	6
GS-12	2	3	3
GS-11	2	2	4
GS-9	1	2	0
GS-7	0	0	0
Subtotal (GS/GM)	15	17	17
Total employment (actual / projected) at end of fiscal year	16	18	18