



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

Dr. Jim Hoff
Division Chief
Natural Resource Damage Claims Division
U.S. Coast Guard National Pollution Funds Center
4200 Wilson Boulevard
Arlington, VA 22203-1804

ATTN: Fredy Hernandez

SUBJECT: Acceptance of Settlement Offer for the Claim to the Oil Spill Liability
Trust Fund for the *Athos I* Oil Spill Incident in the Delaware River

Dear Dr. Hoff,

The Restoration Trustee Council for the *Athos I* oil spill incident would like to thank the National Pollution Fund Center (NPFC) for its settlement offer of October 5, 2010. By this letter, the Trustees accept the NPFC's offer of \$30,435,311.35 as full compensation for natural resource damages associated with the *Athos I* oil spill incident. We do not agree with the decision to deny contingency costs for recreational projects, but will accept your offer as is in order to move on to restoration.

Our formal acceptance letter is attached. We understand that the NPFC will retain the part of the settlement offer that represents contingency costs, which will be paid to the Trustees as needed.

Please transfer \$20,257,121.44 of this recovery to the New Jersey Hazardous Discharge Site Cleanup Fund to cover reimbursement of past assessment costs and restoration and oversight funds for those restoration projects for which New Jersey will be the Lead Implementation Trustee. Please follow the instructions below for the transfer of funds to New Jersey:

PAYEE INFORMATION

Payee

Hazardous Discharge Site Cleanup Fund
NJ Dept. of Environmental Protection
P.O. Box 420
Trenton, NJ 08625-0420



Taxpayer Identification Number

[REDACTED]

NJDEP Contact Person

Therese A. Kell, Manager, Federal Funds Administration
(609) 984-4864

FINANCIAL INSTITUTION INFORMATION**Financial Institution**

Wachovia Bank N.A.
1525 W. W.T. Harris Blvd.
Charlotte, NC 28222

Bank ACH Coordinator

Rose Hosale
(704) 590-0500

Routing Transit Number

[REDACTED]

Depositor Account Title

NJ State Treasury Department
Hazardous Discharge Site Cleanup Fund

Depositor Account Number

[REDACTED]

Type of Account

Checking

Please transfer the remaining funds of \$10,178,189.91 to the NRDAR Fund within the Department of the Interior for the past assessment costs for the other trustees and the restoration and oversight costs for the remaining restoration projects. Payment instructions for the NRDAR Fund are:

Electronic transfer: Automated Clearing House (ACH)

Receiver name: DOI Restoration Fund
ALC 14010001

Receiver Tax ID Number: [REDACTED]

Receiver address: 1849 C St. NW

Receiver bank: Mailstop 1313
Washington. D.C. 20240
Federal Reserve Bank
New York. NY
Receiver ACH Account No.: [REDACTED]
Receiver Fedwire Acct No.: [REDACTED]
(To be used only for Fedwire transfers)
Payment Related Data: *Athos I* Oil Spill Incident of 2004

Questions concerning electronic deposit procedures should be directed to Robert (Bob) White at 303-969-7170.

Thank you for your adjudication of this claim. Because of this settlement, restoration will be implemented that will compensate the public for the oil spill incident.

If you have any questions, please contact Linda Burlington at 301-713-1332.

Sincerely,

Athos Trustees

Attachment

U.S. Department
of Homeland Security

United States
Coast Guard



Director
United States Coast Guard
National Pollution Funds Center

U.S. Coast Guard Stop 7100
National Pollution Funds Center
4200 Wilson Boulevard, Suite 1000
Arlington, VA 20598-7100
Phone: 202-493-6623
E-mail: Fredy.E.Hernandez@uscg.mil

This settlement is full and final compensation for the Athos I oil spill natural resource damage assessment and restoration claim submitted by the National Oceanic Atmospheric Administration (NOAA) on behalf of the U.S. Fish and Wildlife Service (USFWS), New Jersey Department of Environmental Protection (NJDEP), Delaware Department of Natural Resources and Environmental Control (DNREC), Pennsylvania Departments of Conservation and Natural Resources (PADCNR) and Environmental Protection (PADEP), Pennsylvania Fish and Boat Commission (PFBC), and Pennsylvania Game Commission (PGC) (collectively referred to as the trustees). The amount offered is \$30,435,311.35, which represents \$27,495,751 for future restoration activities and \$2,939,560.35 for trustee past assessment activities as laid out in Table 7 of the NPFC determination. The NPFC approved \$6,473,816 in contingency funds, in order to access contingencies the trustees must first submit a justification and cost documentation supporting the need for additional funds.

We, the trustees, certify that to the best of our knowledge and belief the information contained in this claim represents all material facts and is true. We, the trustees, understand that misrepresentation of facts is subject to prosecution under federal law (including, but not limited to 18 U.S.C. §§287 and 1001).

We, the trustees accept \$30,435,311.35 as full and final compensation for the damages claimed and the terms set forth to receive contingency funding in the future.

FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

A handwritten signature in blue ink, appearing to read "David Westerholm".

David Westerholm, Director
NOAA Office of Response and Restoration

10/7/10
Date

FOR THE U.S. DEPARTMENT OF THE INTERIOR

Marvin E. Moriarty, Regional Director
Northeast Region, U.S. Fish and Wildlife Service

Date

U.S. Department
of Homeland Security

United States
Coast Guard



Director
United States Coast Guard
National Pollution Funds Center

U.S. Coast Guard Stop 7100
National Pollution Funds Center
4200 Wilson Boulevard, Suite 1000
Arlington, VA 20598-7100
Phone: 202-493-6623
E-mail: Fredy.E.Hernandez@uscg.mil

This settlement is full and final compensation for the Athos I oil spill natural resource damage assessment and restoration claim submitted by the National Oceanic Atmospheric Administration (NOAA) on behalf of the U.S. Fish and Wildlife Service (USFWS), New Jersey Department of Environmental Protection (NJDEP), Delaware Department of Natural Resources and Environmental Control (DNREC), Pennsylvania Departments of Conservation and Natural Resources (PADCNR) and Environmental Protection (PADEP), Pennsylvania Fish and Boat Commission (PFBC), and Pennsylvania Game Commission (PGC) (collectively referred to as the trustees). The amount offered is \$30,435,311.35, which represents \$27,495,751 for future restoration activities and \$2,939,560.35 for trustee past assessment activities as laid out in Table 7 of the NPFC determination. The NPFC approved \$6,473,816 in contingency funds, in order to access contingencies the trustees must first submit a justification and cost documentation supporting the need for additional funds.

We, the trustees, certify that to the best of our knowledge and belief the information contained in this claim represents all material facts and is true. We, the trustees, understand that misrepresentation of facts is subject to prosecution under federal law (including, but not limited to 18 U.S.C. §§287 and 1001).


We, the trustees accept \$30,435,311.35 as full and final compensation for the damages claimed and the terms set forth to receive contingency funding in the future.

FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

David Westerholm, Director
NOAA Office of Response and Restoration

Date

FOR THE U.S. DEPARTMENT OF THE INTERIOR

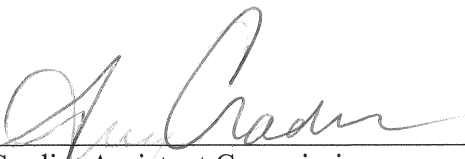


Marvin E. Moriarty, Regional Director
Northeast Region, U.S. Fish and Wildlife Service

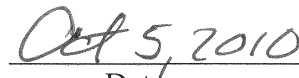
10/3/10

Date

FOR THE STATE OF NEW JERSEY



Amy Cradic, Assistant Commissioner



Date

Natural and Historic Resources

Acting on behalf of the Commissioner of the New Jersey Department of Environmental
Protection

FOR THE STATE OF DELAWARE

Collin P. O'Mara, Secretary

Date

Department of Natural Resources and Environmental Control

FOR THE COMMONWEALTH OF PENNSYLVANIA

John Hanger, Secretary
Department of Environmental Protection

Date

FOR THE COMMONWEALTH OF PENNSYLVANIA

John A. Arway, Executive Director

Date

FOR THE STATE OF NEW JERSEY

Amy Cradic, Assistant Commissioner

Date

Natural and Historic Resources

Acting on behalf of the Commissioner of the New Jersey Department of Environmental
Protection

FOR THE STATE OF DELAWARE



Collin P. O'Mara, Secretary

7 October 2010

Date

Department of Natural Resources and Environmental Control

FOR THE COMMONWEALTH OF PENNSYLVANIA

John Hanger, Secretary

Department of Environmental Protection

Date

FOR THE COMMONWEALTH OF PENNSYLVANIA

John A. Arway, Executive Director

Pennsylvania Fish and Boat Commission

Date

FOR THE COMMONWEALTH OF PENNSYLVANIA

John Quigley, Secretary

Department of Conservation and Natural Resources

Date

FOR THE STATE OF NEW JERSEY

Amy Cradic, Assistant Commissioner

Date

Natural and Historic Resources

Acting on behalf of the Commissioner of the New Jersey Department of Environmental
Protection

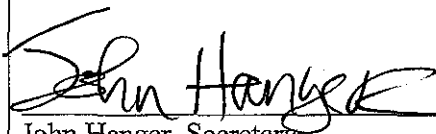
FOR THE STATE OF DELAWARE

Collin P. O'Mara, Secretary

Date

Department of Natural Resources and Environmental Control

FOR THE COMMONWEALTH OF PENNSYLVANIA



John Hanger, Secretary

10/8/10

Date

Department of Environmental Protection

FOR THE COMMONWEALTH OF PENNSYLVANIA

John A. Arway, Executive Director
Pennsylvania Fish and Boat Commission

Date

FOR THE COMMONWEALTH OF PENNSYLVANIA

John Quigley, Secretary
Department of Conservation and Natural Resources

Date

FOR THE STATE OF NEW JERSEY

Amy Cradic, Assistant Commissioner

Date

Natural and Historic Resources

Acting on behalf of the Commissioner of the New Jersey Department of Environmental
Protection

FOR THE STATE OF DELAWARE

Collin P. O'Mara, Secretary

Date

Department of Natural Resources and Environmental Control

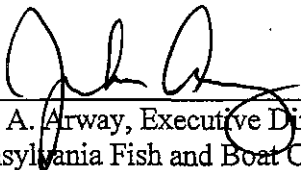
FOR THE COMMONWEALTH OF PENNSYLVANIA

John Hanger, Secretary

Date

Department of Environmental Protection

FOR THE COMMONWEALTH OF PENNSYLVANIA



John A. Arway, Executive Director
Pennsylvania Fish and Boat Commission

07 Oct 2010

Date

FOR THE COMMONWEALTH OF PENNSYLVANIA

John Quigley, Secretary

Date

Department of Conservation and Natural Resources

FOR THE STATE OF NEW JERSEY

Amy Cradic, Assistant Commissioner

Date

Natural and Historic Resources

Acting on behalf of the Commissioner of the New Jersey Department of Environmental
Protection

FOR THE STATE OF DELAWARE

Collin P. O'Mara, Secretary

Date

Department of Natural Resources and Environmental Control

FOR THE COMMONWEALTH OF PENNSYLVANIA

John Hanger, Secretary

Date

Department of Environmental Protection


FOR THE COMMONWEALTH OF PENNSYLVANIA

John A. Arway, Executive Director

Date

Pennsylvania Fish and Boat Commission

FOR THE COMMONWEALTH OF PENNSYLVANIA



John Quigley, Secretary

Date

Department of Conservation and Natural Resources

FOR THE COMMONWEALTH OF PENNSYLVANIA



Carl Roe, Executive Director
Pennsylvania Game Commission

10/7/10

Date