United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

August 23, 2000

Memorandum

To: Deputy Commissioner, Bureau of Indian Affairs
Director, Bureau of Land Management
Commissioner, Bureau of Reclamation
Director, Fish and Wildlife Service
Director, National Park Service
Director, Office of Environmental Policy and Compliance
Deputy Solicitor

From: Frank DeLuise, Program Manager
Natural Resource Damage Assessment and Restoration Program

Subject: Revised Policy on Recovered Assessment Costs

The purpose of this memorandum is to advise your bureaus and offices of a change in policy within the Natural Resource Damage Assessment and Restoration (Restoration) Fund regarding how recoveries of past damage assessment expenses are to be treated. Both the Restoration Program Work Group, and Executive Board have approved this change in policy.

Please note that this revised policy applies only to those recoveries originally funded by bureau or office appropriations, and not from the Restoration Fund. Recoveries of past costs funded by the Restoration Program shall continue to be available exclusively to the Restoration Program for subsequent re-allocation towards priority damage assessment cases.

Current Policy: Under the current Restoration Program policy, bureaus and offices are permitted to claim and use past assessment recoveries that were originally funded with bureau or office funds. Such recovered funds can be requested and used only for site-specific damage assessment activities at sites identified at the time of requesting the funds.

Revised Policy: Effective immediately, the existing Fund policy is amended to allow bureaus and offices a limited amount of flexibility in deciding how to use such recoveries. All currently unallocated and all future recoveries would be subject to the following:

- A minimum of 80 percent of any such recovery can be requested and used only for site-specific damage assessment activities at sites chosen by the bureau and identified at the time of the request. (This reduces the earlier standard of 100 percent.)

- Bureaus and Offices may use up to 20 percent of any such recovery for activities that are in support of their respective damage assessment and restoration programs, but are not required to be on a site-specific basis. Such activities might include, but are not limited to, payroll expenses, travel or training. These funds may be used at the bureau's discretion, provided such uses are directly related to their respective damage assessment and restoration program.

- All recovered funds are no-year funds, and may be carried across fiscal year lines.

- For recoveries funded from a combination of both bureau or office recovered funds AND damage assessment funds from the Restoration Fund's allocation process, the Departmental allocations to the bureau get repaid first. Any funds remaining after the Restoration Fund has been repaid are to be available to the respective bureau or office, and are subject to the 80/20 split described above.

- Bureaus and offices will be required to establish an account or project code within their respective accounting systems for allocation and tracking purposes.

A brief example of the revised policy follows:

A DOI bureau uses its own base funds to fund damage assessment activities at a site not otherwise funded by the Restoration Program. When this case settles and past damage assessment expenses are recovered, the bureau then must request at least 80 percent of those recovered funds for damage assessment activities at another site chosen at the bureau's discretion. The remaining balance (up to 20 percent) can be requested by the Bureau without identifying a specific site or project, provided that any use of such funds directly supports the bureau's damage assessment program.

Please refer to the attached diagram which illustrates this change in Restoration Fund policy. We believe this revision will provide a greater degree of flexibility in pursuing damage assessment cases, and may offer some relief in supporting bureau or office base program activities.

Please feel free to contact me at 208-4143 or Bruce Nesslage at 208-4093 if you have any questions or comments regarding this change in Restoration Fund policy.

Attachment