Restoration Program

September 26, 2007

Mid-Atlantic Joint Assessment Team Mtg.
Presentation on
DOI NRDAR Federal Advisory Committee

Natural Resource Damage Assessment & Restoration Program
Restoration Program

Mission Statement

- The mission of the Natural Resource Damage Assessment and Restoration Program is to restore natural resources injured as a result of oil spills or hazardous substance releases into the environment. In partnership with other affected State, Tribal, and Federal trustee agencies, damage assessments provide the basis for determining the restoration needs that address the public's loss and use of these resources.

NRDAR Federal Advisory Committee Charter

- May 24, 2005 for two year term
- Only advice and recommendations
- For achieving sound, timely, and cost effective restoration
- All reports or recommendations present to Committee for consideration before submitted to Designated Federal Official

Advisory Committee Membership

- Department of the Interior (4)
- Other Federal Trustees (6)
  - NOAA (2), Forest Service, DOD, DOE, (Justice)
- State Trustees (4)
  - IN, MA, UT, TX
- Tribal Trustees (2)
- Industry Representatives (8)
- Environmental Interests (2)
- Academic Community (3)

Why and Focus of Advisory Committee

- Seeking consensus advice on difficult NRDAR issues related to DOI authority
- Rather consensus on some issues than report on issues not resolved by consensus
- After 25 years of practice believe consensus among stakeholders is possible
- Review in a public forum specific parts of DOI rulemaking responsibility
- To reach consensus DOI needs all to want to listen, examine, and adjust their own positions

What Advisory Committee Not For

- Resolve ongoing case contentious issues or disputes
- “Handing Off” issues to other entities, but will take on legislative or response-side issues if a clear obstacle to implementation of consensus advice

Parts of NRDAR Process Considered

- Natural Resource Injury Determination and Quantification
- Scoping of Restoration Options
- Interim Loss Damages
- Restoration Implementation

Why these Parts

- Persistent critiques and contention surrounding these issues
- Within DOI's purview to address through rulemaking or guidance
- Represented by specific provisions in the current CERCLA/CWA NRDAR Regulations

Committee Key Recommendations

- Adopt the option of a “Restoration-based approach” for all natural resource damages including interim losses
- Coordinate NRD activities with CERCLA response activities
- Scope feasible restoration options early in the assessment process
- Sponsor technical workshops to inform guidance on linking the scale of injury quantification to restoration selection

Committee Key Recommendations

- Ensure that Restoration Planning is "functionally equivalent" to required NEPA analysis and explore NRDAR-specific categorical exclusions from NEPA analysis
- Provide NRDAR-specific guidance on partnerships, cooperative agreements, and contracting
- Produce a cooperative conservation inventory of existing local and regional restoration plans for use in NRDAR

Committee Key Recommendations and who was that Drafting Team

- Revise existing criteria for evaluating restoration alternatives to provide clearer guidance that will enhance trustee decision making
- DRAFTING TEAM: John Carlucci, William Brighton, Richard Seiler, Dale Young, Shannon Work, Pat Casano, Barry Hartman, and John Mueller

DOI – Committee Report and Next Steps

- May 2007 – Unanimous Consensus on Committee Recommendations
- Final Report on the DOI Restoration web page (http://restoration.doi.gov/faca_mtg5.html)
- Summer 2007 – Brief DAS and AS-PMB on Implementation Plan
- Fall 2007 – Start Implementing Plan
- 2008 – Roll out Guidance, Policies, Workshops, and Draft Regulations