Natural Resource Damage Assessment (NRDA)

Administrative Record Procedures Manual

August 6, 2001

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Damage Assessment and Restoration Program

Preface

The purpose of this Administrative Record Procedures Manual is to outline the process that the NOAA Damage Assessment and Restoration Program's (DARP) contractor, Labat-Anderson, Incorporated uses to develop and prepare an administrative record in the context of a natural resource damage assessment (NRDA). This concise set of instructions provides a context and legal basis for the administrative record under the Oil Pollution Act of 1990 (OPA) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The guidance in this manual should also be followed by the DARP even in cases where an administrative record is developed by in-house staff. While this outline governs the steps taken by the NOAA-DARP, it may also serve as a useful framework for other trustee agencies tasked with the preparation of an administrative record for a NRDA under OPA and CERCLA.

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Introduction

This manual has been prepared in order to assist Damage Assessment and Restoration Program Staff in developing and maintaining administrative records for Natural Resource Damage Assessment (NRDA) cases under the Oil Pollution Act (OPA) and the Comprensive Environmental Response, Compensation and Liability Act (CERCLA). It provides detailed information and guidance regarding the collection, arrangement, and indexing of records within an administrative record. While CERCLA does not specifically require an administrative record,[1] this guidance document can be used as a basis for preparing an administrative record for a CERCLA case.

An administrative record facilitates the NRDA process by providing a publicly available assessment and repository for all materials relied upon by trustees in making final determinations about restoration actions relevant to a particular incident. The administrative record must contain sufficient information to support review of the trustees' decision-making process. Federal trustees should maintain the administrative record in a manner consistent with the Administrative Procedure Act, 5 U.S.C. 551-59, 701-06. This means that the trustees should include, in an administrative record, the information that they relied upon to make determinations regarding injury assessment and restoration. For examples, please see the types of documents included in the North Cape or Lavaca Bay Administrative Records located in DAC Head Quarters in Silver Spring.

Background

According to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980[2] (CERCLA), as amended, and the Oil Pollution Act of 1990[3] (OPA) the Secretary of Commerce was given the authority to assess and recover damages for injuries to natural resources from releases of oil and other hazardous substances as well as from groundings. The Secretary of Commerce has delegated these important responsibilities to the National Oceanic and Atmospheric Administration (NOAA).

Section 10006(e)(1) of the Oil Pollution Act of 1990 required the President, acting through the Under Secretary of Commerce for Oceans and Atmosphere, to promulgate regulations for the assessment of natural resource damages resulting from a discharge or substantial threat of a discharge of oil. In 1990, NOAA established the Damage Assessment and Restoration Program to fulfill the natural resource trustee responsibilities assigned in the Clean Water Act,[4] CERCLA, OPA, and the National Marine Sanctuaries Act. Natural resource "trustees" are authorized to act on behalf of the public to protect the resources of the nation's coastal and marine environment. In 1996, NOAA published final regulations for Natural Resource Damage Assessments under OPA.

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[1] CERCLA NRDA regulations are currently under revision.
[2] 42 U.S.C. §§ 9601 *et. seq.*
[3] 33 U.S.C. §§ 2701 *et. seq.*
[4] 33 U.S.C. §§ 1251 *et. seq.*

What are Natural Resource Damage Assessments (NRDAs)?

Natural Resource Damage Assessments (NRDAs) are a process for assessment and restoring natural resources and services injured as a result of an incident. Under OPA, incidents involve oil spills. NRDAs are not identical to response. NRDAs are intended to supplement response actions, which have focused primarily on the protection of human health and the environment.

What are NRDA Administrative Records?

OPA (Oil Pollution Act) NRDA Administrative Records (AR) contains the complete body of documents that form the basis for determining NRDA actions. For each case, NRDA actions are documented in two separate administrative records: Restoration Planning and Restoration Implementation.

NOTE: There is no explicit requirement for a formal AR under **CERCLA** (Comprehensive Environmental Response, Compensation, and Liability Act); however, it stipulates that there be an opportunity for public review and comment at particular points in the assessment process. The legal framework specifically requires development of a Restoration and Compensation Determination Plan (R & CDP) as part of the assessment plan and that this document be made available for public review.[5] The purpose of a Restoration Implementation Plan is to document the trustees' activities in implementing restoration projects selected pursuant to the Final Restoration Plan.

General Overview of the Preparation of NRDA Administrative Records:

Administrative Records have three primary purposes: (1) provide one or more repositories for compiling injury and restoration documents for a given incident: (2) provide a mechanism to facilitate public input in the NRDA process and actions; and (3) provide a record for administrative or judicial review of trustees' actions and determinations. NOAA expects that the AR will serve as the foundation for any judicial review of an assessment.

The selection of documents for an administrative record is the responsibility of the case team and case team attorney. Documents to include in an administrative record should be those documents that are necessary to show the basis for the decision the trustees have made on injury and restoration, and which document that they followed the OPA or CERCLA NRDA regulations. In addition, case team members should endeavor to include those documents appropriate for public review, comprehension of the case, etc. In all cases, thorough review of the trustees' decision-making steps in selection of

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[5] CERCLA rules are currently being revised. At the time of publication, a forthcoming revised CERCLA rule will require an AR. Also, the required development of an R & CDP will change under the new rule.

assessment and restoration actions must be demonstrated through inclusion of all appropriate documents.[6]

Preparations for an Administrative Record:

The OPA rule specifically requires that an AR be opened concurrent with the issuance of the Notice of Intent to Conduct Restoration Planning. However, an AR should be anticipated and planned for during the Preassessment Phase **prior** to publishing the Notice of Intent to Conduct Restoration Planning.

During the Preassessment Phase of a case, there will likely be sufficient information for the case attorney and case team to determine the need for an administrative record. In most cases, an AR will be necessary because even the decision not to proceed with restoration planning needs to be documented. At this point, the case team attorney should determine if the AR will be assembled internally by support staff, i.e. Federal employees, or whether the Information Management Contractor to DAC, such as Labat-Anderson, Incorporated, should be tasked with the assembly and maintenance of the Administrative Record. This manual specifically applies to the latter choice and directs the user to the steps involved in this method of preparing an AR. It is important to note, however, that the logical sequence of steps in the DAC AR Process would apply to the preparation of an AR by other parties and should be considered guidance for this purpose.

Deciding What to Include in an Administrative Record:

The lists below are representative of documents to include or exclude in an AR. They are not intended to be complete listings of eligible or ineligible documents. Ultimately, the case attorney and case team will have responsibility for the inclusion of any documents in the AR. Some state laws require that everything must go into the AR.

Examples of AR Documents:

- Notice of Intent to Conduct Restoration Planning and all other Public Notices
- Correspondence of a factual nature
- Public and responsible party comments
- Consent decrees
- Meeting notices, agendas, and minutes
- Technical resource documents and guidance
- Scientific studies
- Economic analyses
- Quality Assurance plans for studies executed in support of the case
- Writings, drawings, graphs, charts, photographs, and data compilation

[6] Additional information on Administrative Record development can be found at Tab A.1 of the GCNR Restoration Planning Reference Documents Manual.

- Any agreements not otherwise privileged among the participating trustees or with the responsible parties
- Draft documents where not superceded by final documents or otherwise relied upon

Examples of <u>what</u> <u>should</u> <u>not</u> <u>go</u> <u>into</u> an AR:

- Deliberative documents
- Attorney/client correspondence
- Personal notes, diaries, opinions (includes e-mail)
- Settlement negotiation documents
- Physical samples
- Drafts[7]

Administrative Record Index Filing Structure:

The filing structure for an administrative record enables agency staff and members of the public to locate and retrieve documents in the administrative record. Fundamentally, it should be simple in design, clear in format, and user-friendly. The AR Index Filing Structure must include: (*See sample file structure in the Appendix)*

- Classification numbers
- Document date
- Document Title
- Document Type
- Author/recipient, and institutional affiliation where available.
- Document ID number

[7] Some drafts may need to be included in the AR. See example under "Examples of AR Documents." The decision to include drafts has to be made on a case-by-case basis by the case attorney. Furthermore, if a draft is never finalized, but the trustees rely on it, the draft is likely to be needed in the AR.

Procedures for a Public Administrative Record

An AR, prepared with the assistance of the Damage Assessment Center Information Management Contractor, will involve the steps detailed below.

STARTING A NRDA ADMINISTRATIVE RECORD:

During the Preassessment Phase of a case, sufficient information will be gathered to make a judgment on the need for an administrative record. At this juncture, documents collected within the various case files maintained by case team members and/or contractors will need to be tagged as AR documents. It is also the time to develop an AR File Structure Index. The approved case file structure is located in the Appendix.

HANDLING AND PROCESSING OF AR DOCUMENTS:

The responsibilities and procedures of the *ATTORNEY AND CASE TEAM MEMBERS* are as follows:

1. As soon as an AR is anticipated, the case team attorney or COTR should contact the CO to notify him that the services of Labat Anderson, Incorporated will be needed to prepare an AR for the incident.

2. The case team attorney needs to contact the Administrative Records Management Contractor (hereafter referred to as Administrative Records or AR Manager) in DAC Headquarters. The purpose of this contact is to schedule a meeting for both individuals to plan for the preparation of the administrative record. This meeting will allow the case team attorney and the Labat Administrative Records Manager to develop the big picture and consider timing, monetary and other constraints, as well as co-trustee and other party involvement. Distances between offices may preclude a face-to-face meeting; however, a conference call or videoconference can substitute. Failing the problem of distance, every effort should be made to arrange a personal meeting between an attorney and AR Manager.

3. The case team attorney and AR Manager will arrange to meet to discuss:

    - Administrative Record File Structure Index;
    - Number and locations of AR files;
    - Lead team contact;
    - Use of the document transmittal form;
    - Use of a log at the local repositories;
    - Labeling of documents as to specialized information, e.g. FOIA sensitive, privileged, attorney work product, etc.;
    - Mode of transmission of documents via scheduled mail or FedEx, frequency of shipments, etc.;

- Confirmation of document receipt, processing, and filing by the AR Management Contractor; and
- Communication issues between the AR Manager and the case team. Regular scheduled phone call/e-mail communications should be agreed upon to discuss the progress of the AR.

4. The attorney and/or case team members designate, via a signed transmittal form, what case file documents should be entered into the AR. **NOTE**: **The case attorney or attorney designate bears final responsibility for definitive inclusion of a document in the administrative record**. **To ensure GCNR review, the attorney designate must also be an attorney.**

5. The attorney and/or case team members must assign classification numbers to each document according to the AR file structure. The assigned classification number is to be designated in the appropriate box on the AR Transmittal Form.

6. Fill out the AR Transmittal Form with as much of the requested information as possible (*see sample Transmittal Form in the Appendix*). The case team attorney or attorney designate must sign the AR Transmittal Form as agreed upon by the attorney and the AR Manager. If a public AR repository site is required for access by the public, the case team should make the arrangements for the site. The AR Manager can assist with transmission of the AR documents, transmittals, etc.

The Responsibilities and Procedures for the AR Manager to DAC:

These steps should be performed by a Federal employee if Labat-Anderson, Incorporated is not tasked with the preparation of the administrative record.

If contacted by the case team attorney, the AR Manager will arrange a face-to-face meeting with the case attorney to discuss:

- Administrative Record File Structure Index;
- Use of the document transmittal form;
- Labeling of documents as to specialized information, e.g. FOIA sensitive, privileged, attorney work product, etc.;
- Mode of transmission of documents via scheduled mail or FedEx, etc.;
- Confirmation of document receipt, processing, and filing by the AR Manager and
- Communication issues between the AR Manager and the case team. Regular scheduled phone call/e-mail communications should be agreed upon to discuss the progress of the AR.

1. The AR Manager receives AR material with attached transmittals. A DATE STAMP is applied to each document indicating the date of arrival. Note: Documents must be sorted individually with the corresponding transmittal. Every document must have a classification number or further processing cannot begin.

2. To begin processing, the AR Manager removes the documents from the AR Mail Inbox, then sorts and stamps with the appropriate STAMP, e.g. "ENFORCEMENT CONFIDENTIAL," "DELIBERATIVE."

3. The documents are now ready to be entered into the Automated Administrative Record Database (AARDvark).

4. Data entry can begin immediately or documents can be temporarily stored in a bin marked **"Data Entry**."

DATA ENTRY OF AR DOCUMENTS:

5. **(See Appendix for AARDvark User Guidelines)**

Processing Documents After Entering Data:

6. After data entry, remove attorney transmittals from the documents.

    - Sign and date attorney transmittals as verification of receipt.

    - Store signed and dated attorney transmittals in the bin marked **"Fax Transmittals"** until ready to fax. Note: Copies of the transmittal may be mailed or shipped via FedEx according to the case attorney's preference.

    - Fax transmittals in the **"Fax Transmittals"** bin back to the appropriate case attorney.

    - File transmittals in the folder marked **"TRANSMITTALS"** in front of each respective AR case file. Transmittals are NOT included in the AR.

7. Create manila files and hanging file folders for each document. Place labels generated from AARDvark with the Document ID number on each document and corresponding manila folder.

8. File documents that have been data entered in the secure storeroom. File documents sequentially according to Document ID number.

- Make photocopies of each document when they are ready to be sent to the local repositories.

- If the document title is changed in anyway, create new labels and prepare new folders.

INFORMATION TO THE RESPONSIBLE PARTY:

- The case attorney must be consulted if the responsible party requests any AR documents. Upon receipt of approval of the case attorney, a cover letter (*using the template: See Example* in Appendix) should accompany the requested document. A member of the case team should sign the letter. **NOTE: Contractors cannot sign letters addressed to the responsible party.**

SENDING DOCUMENTS TO THE REPOSITORY:

- Send a transmittal letter (*See Example in Appendix*) indicating which document copies are being sent to the repositories. This letter is sent with the DAC HQ fax number and requests a confirmation of receipt of the documents. The repositories' confirmation can be sent by mail or by fax as indicated on the letter.

- Send documents by regular mail unless urgent transmission to the repositories/responsible party is indicated. Use Federal Express for urgent priority packages.

- Place a copy of the transmittal to the repository in a 30 calendar day tickler file. File it in the appropriate date counting seven days from date of shipment.

- Make a call to the repository if there has been no confirmation within seven calendar days.

REQUESTS FOR DOCUMENTS:

In order to maintain the legal integrity of the master administrative record index, multiple copies of master index files should not be made. The master copy, generally located in Silver Spring, should be considered *the master copy*. Maintaining this master copy ensures an accurate central repository. Therefore, it is recommended that Silver Spring should not be named as a publicly open repository. If Silver Spring is named a local repository, then an additional copy of the master copy should be prepared for public access.

After an AR is opened to public access, members of the public may request certain documents from the master copy or from NOAA/DARP. With case team approval, then copies may be requested from the HQ location. Copies of HQ AR documents fewer than thirty (30) pages are sent free of charge; however, there is a fee for copying documents over thirty (30) pages per order. The requestor is asked to phone a credit card number into the local copying center. At that time the AR Manager will ensure the requested material arrives at the copying center.

If the request is urgent, the requestor should also supply a Federal Express number. The AR Manager can send copies to the requestor by Federal Express or by mail, depending on the urgency.

In general, local repositories can establish their own photocopy rules and fees to be arranged with the case attorney.

PUBLIC AVAILABILITY NOTICES

ARs should be available for public viewing at one or more locations near the damage assessment site. When publishing the "Notice of Intent to Conduct Restoration Planning" or notices on the availability of the draft and final Restoration Plans, information regarding the availability of the AR and related documents must be included. In addition, DARP must indicate the formal comment acceptance period and an address where comments should be sent. If NOAA publishes a notice, then it must at least appear in the Federal Register. Notices may also be published else where, e.g. regional or legal newspapers.

The following example general statement may be included as part of a news article and Federal Register Notice:

The U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Damage Assessment and Restoration Program
Announces the Availability of the Administrative Record for
[Official Case Name]

[Date]

The U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Damage Assessment and Restoration Program (DARP) announces the availability for public review of files comprising the Administrative Record of [Official Case Name]. DARP seeks to inform the public of the availability of the Administrative Record at this repository and to encourage the public to comment on documents as they are placed in the Administrative Record.

The administrative record includes documents that form the basis for determining a restoration action under [statutory authority]. Documents now in the Administrative Record include [general record types]. Other documents will be added as the [phase of NRDA] process progresses. These additional documents may include, but are not limited to, technical reports, comments, new data submitted by interested persons, and trustee responses to significant comments.

The administrative record is available for viewing at [Repository name], located at:

[Street Address]

The [Repository Name] is open from [times] Monday through Friday, except for state and Federal holidays. The public must make an appointment to review the administrative record [optional sentence as an appointment may not be necessary in all locations]. Call [Contact name and telephone number] for appointments. Copies cost [price] per page.

Verified sampling data and documentation are available for review at the following location:

APPENDIX

PREFACE

This structure is proposed as a standardized filing tool for DAC/GCNR use. The purpose of such a structure is to capture the necessary framework of case documentation while allowing for the flexibility that diverse cases may require. In addition, this structure is intended to be adaptive for the purpose of administrative records. Uniform compliance with this structure will promote better case team communication and achieve greater ease and accuracy in the storage, retrieval, and retirement of crucial records in the context of DARP records management initiatives.

As program-wide implementation of this structure takes place, we encourage comments on the practical employment of the structure. Feedback on the use of the structure will help ensure greater applicability and consistency in its use.

Comments and issues related to the Case File Index use should be directed to:

Terry Worthington
Records Manager
Labat-Anderson Incorporated
Information Management Contractor to
NOAA's Damage Assessment Center
301-713-3038, x178
Terry.Worthington@noaa.gov

NRDA Case File Structure

1. **Case File Index**
   1.1 Internal file structure
   1.2 Summary of case file contents

2. **Case Administration**
   2.1 Applicable laws, regulations and policies (case-specific only)
   2.2 Agreements, e.g. MOAs, MOUs, IAGs, confidentiality, etc.
   2.3 Correspondence
   2.4 Support documentation
      2.4.1. Contracting, e.g. plans, SOWs, interim contract reports, etc.
      2.4.2 NOAA Cost Accounting, e.g. cost summaries, redacted copies of all back-up documentation, timesheets, etc.
      2.4.3 Co-trustee Cost Information
   2.5 Determinations
   2.6 Background, e.g. bills, committee reports, other materials, etc.

3. **Attorney File (These documents are only to be established and maintained by the case attorney and in support of litigation. All documents in this file should be labeled "Attorney-client privilege")**
   3.1 Legal correspondence, e.g. referral to DOJ, FOIA requests and responses, memos
   3.2 Legal analyses and support documents, e.g. settlements and offers, counter-offers, etc., pleadings, rulings, consent decrees, demand, e.g., liability, regulatory application, SOL analysis, statutory exclusions, rebuttable presumption, legal and regulatory compliance, decisions and rationale on disclosure/confidentiality of materials, double recovery, settlement conditions and range, cost recovery and account maintenance, litigation actions, etc.
   3.3 Third party claims
   3.4 Background materials, e.g. Bills, committee reports, other materials, etc.

4. **NRDA Pre-assessment and Response Phase Under OPA**
   (Note: Support documentation and the determinations in this category and through category 8., for the same sections, can be further sub-divided by injury/resource or service as determined by case team)
   4.1 Response related materials
      4.1.1 Assessment, planning and implementation materials, e.g., response reports, POLREPS, map, charts, OSC/RPM determinations, photos, etc.
      4.1.2 Response-related coordination, e.g. participants list, meetings (RP & trustee), correspondence, notices, etc.
      4.1.3 Public involvement and outreach, i.e. coordination with the public, e.g. materials may include notices, plans, strategies, press releases, media coverage, meetings, participants list, correspondence, etc.

4.2 Pre-assessment support documents, e.g., data reports, model information, plans (assessment, implementation, work, QA, health and safety, etc- pre-assessment, RCDP), logs (lab, field, progress, etc.), comments, trustee response to comments, etc.
4.3 Pre-assessment Determinations (decision documents), e.g., jurisdictional determinations, potential for injury from incident and response actions, need for consultation and coordination with response, need for initiation/accessing the OSLTF, selecting the LAT, nature and extent of resources/services/methods/ pre-assessment studies to pursue, nature and extent of PRP involvement and suggested considerations, ARAR relevance/consistency, developing the AR, proceeding with injury assessment, etc.
4.4 Coordination with co-trustees and PRPs e.g., list of participants, meetings, correspondence, notices, etc.
4.5 Background materials, e.g. pre-incident plans, related studies, historical and literature references, etc.

5. Response Phase Under CERCLA
(Note: Since coordination with response is different under CERCLA as compared to OPA, this separate category is needed.)

5.1 Response-related materials
5.2 Support documentation, e.g. PA/SI, eco-risk assessment, RI/FS, etc.
5.3 Determinations, e.g. ROD
5.4 Coordination with response
5.5 Public involvement and outreach, i.e. coordination with the public, e.g. materials may include notices, plans, strategies, press releases, media coverage, meetings, participants list, correspondence, etc.
5.6 Background materials

6. Emergency Restoration Actions
6.1 Support documentation, e.g., data reports, plans (assessment, implementation, work, QA, health and safety, etc.), logs (lab, field, progress, etc.), comments, trustee response to comments, etc.
6.2 Determinations, e.g., decision to conduct emergency restoration, rationale for emergency restoration, nature and extent of resources/services/methods/actions to pursue, nature and extent of PRP involvement and suggested considerations, ARAR relevance/consistency, etc. ***(See 8.1.3 for relevant examples)***
6.3 Coordination RE Emergency Restoration, e.g. list of participants, meetings, correspondence, notices, etc.
6.4 Public involvement and outreach, i.e. coordination with the public, e.g. materials may include notices, plans, strategies, press releases, media coverage, meetings, participants list, correspondence, etc.
6.5 Background materials, e.g. other studies, historical, literature references, etc.

7. Injury Assessment

7.1 Support documentation, e.g., data reports, plans (assessment, implementation, work, QA, health and safety, etc.—Injury Assessment Plans), logs (lab, field, progress, etc.), comments, trustee response to comments, etc.
7.2 Determinations, e.g., whether injury meets definition under CERCLA/OPA, determination of exposure and pathway, selection of resources/services/methods to pursue, baseline condition, nature and extent for natural recovery, nature and extent of PRP involvement and suggested considerations, ARAR relevance/consistency, proceeding with restoration, etc.
7.3 Coordination, e.g., with co-trustees, PRPs, public, etc, e.g., list of participants, meetings, correspondence, notices, etc.
7.4 Public involvement and outreach, i.e. coordination with the public, e.g. materials may include notices, plans, strategies, press releases, media coverage, meetings, participants list, correspondence, etc.
7.5 Background materials, e.g. related studies, historical and literature references.

8. Restoration Planning
(Note: In certain circumstances, primary and compensatory restoration files can be condensed into one category.)

8.1 Primary Restoration
- 8.1.1 Summary
- 8.1.2 Support documentation, e.g., data reports, plans (assessment, implementation, work, QA, health and safety, etc.— draft and final restoration plans, DARP/EA/EIS), logs (lab, field, progress, etc.), comments, trustee response to comments, etc.
- 8.1.3 Determinations, e.g., NEPA, EFH, ESA, CZ Consistency documentation, identification and development of primary restoration options, feasibility of restoration, identification and evaluation of resources/services/methods/primary actions to pursue, potential/nature/extent for recovery, selection of compensatory restoration options, nature and extent of PRP involvement and suggested considerations, ARAR relevance/consistency, closing the AR, etc.
- 8.1.4 Coordination, e.g., with co-trustees, PRPs, etc., e.g., list of participants, meetings, correspondence, notices, etc.
- 8.1.5 Public involvement and outreach, i.e. coordination with the public, e.g. materials may include notices, plans, strategies, press releases, media coverage, meetings, participants list, correspondence, etc.
- 8.1.6 Background materials, e.g. related restoration projects or regional restoration plans, historical and literature references.

8.2 Compensatory Restoration
- 8.2.1 Summary
- 8.2.2 Support documentation, e.g., data reports, plans (assessment, implementation, work, QA, health and safety, etc.— draft and final restoration plans, DARP/EA/EIS), logs (lab, field, progress, etc.), comments, trustee response to comments, etc.

- 8.2.3 Determinations, e.g., identification/development/scaling of compensatory options, feasibility of restoration, identification/evaluation/scaling of resources/services/methods/compensatory actions to pursue, potential/nature/extent for recovery, selection of compensatory restoration options, discounting, nature and extent of PRP involvement and suggested considerations, ARAR relevance/consistency , closing the AR, etc.
- 8.2.4 Coordination, e.g., with co-trustees, PRPs, etc., e.g., list of participants, meetings, correspondence, notices, etc.
- 8.2.5 Public involvement and outreach, i.e. coordination with the public, e.g. materials may include notices, plans, strategies, press releases, media coverage, meetings, participants list, correspondence, etc.
- 8.2.6 Background materials, e.g. related restoration projects or regional restoration plans, historical and literature reference

8.3 Restoration Plans
- 8.3.1 Draft plan
- 8.3.2 Notices
- 8.3.3 Comments on the draft plan
- 8.3.4 Final plan and modifications

9. Restoration Implementation

- 9.1 Summary
- 9.2 Support documentation, e.g., data reports, plans (assessment, implementation, work, QA, health and safety, etc.—Construction, Engineering, Monitoring, etc.), logs (lab, field, progress, etc.), comments, trustee response to comments, etc.
- 9.3 Determinations, e.g., implementation options, permit considerations, monitoring, oversight, corrective actions, operations and maintenance, nature and extent of PRP involvement and suggested considerations, ARAR relevance/consistency, opening and closing a new AR, etc.
- 9.4 Coordination, e.g., with co-trustees, PRPs, etc., e.g., list of participants, meetings, correspondence, notices, etc.
- 9.5 Public involvement and outreach, i.e. coordination with the public, e.g. materials may include notices, plans, strategies, press releases, media coverage, meetings, participants list, correspondence, etc.
- 9.6 Background materials

10. Public Outreach and Involvement

- 10.1 Support documentation, e.g., public notices, public participation plan, outreach strategy, etc.
- 10.2 Determinations, e.g., nature and extent of public involvement for various phases of NRDA (by way of notices or other means), etc.
- 10.3 Coordination, e.g., with public only, etc., e.g., list of participants, meetings, correspondence, notices, etc.
- 10.4 Background materials, e.g. press releases and media coverage

Natural Resource Damage Assessments

Administrative Records Classification Coding Form

The Attached Document is to be Filed in the Administrative Record File for:

CASE NAME

Please Provide Complete Information. Check one box per category.

1. Document Title:____

2. Document Author:____

3. Date Document Generated by Author : ______________________________

4. STATUS:
□ CONFIDENTIAL □ Public Information Releasable □ Attorney-Client □ Attorney Work Product
□ Government Deliberative Process □ Proprietary or Trade Secret Info. □ Privacy Act
□ Confidential Business Information □ Self- Evaluative □ Non-FOIA Releasable

□ Other: ____

5. Date Document Reviewed by Attorney:____________________________

6. Significance of Document:
□ Cited in Case Products □ Served as a Basis for Findings □ Consulted

Please Assign for this Document: **7. Classification Number:**____________	**8. Page Count:** _________________

Signed:_______________________________ Date:_____________________
(Attorney for Case File)

(For Document Center Use Only)

Receipt Confirmed: _____________________, Coordinator Date Received_______________
(AR Document Center DAC)

Document ID # _______

Document Transmittal Acknowledgment

May 8, 2000

MEMORANDUM FOR: TNRCC
Richard Seiler MC142
Building D Room 246
12100 Park 35 Circle
Austin, TX 78753

FROM: Phil Baxley, Records/Reference Librarian
Labat Contractor to:
NOAA/DAC
N/ORCAx1, SSMC-4, Station 10218
1305 East West Highway
Silver Spring, Maryland 20910
(301) 713-3038 x202

SUBJECT: NRDA Administrative Record Document Receipt

Administrative Record Name: Lavaca Bay

1. Please add the following new documents to the Lavaca Bay Administrative Record:

   Document Numbers: 1911

2. Please remove Document 1674 (the AR Index) currently on file and replace with the enclosed Document 1674 that has been updated to include the additional document above.

3. Please replace the "Filing Structure for Lavaca Bay" within the first folder of the Administrative Record with the enclosed updated version.

4. Please replace the "Lavaca Bay – Trustee/ALCOA NRDA Meeting Minutes" with the updated index.

5. Please add the following NRDA Trustee Meeting Minutes to the expanding folder:
   09-14-99
   11-02-99

12-14-99
01-27-00
03-01-00

I acknowledge that I have received and/or taken prescribed action with regard to the following documents from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Damage Assessment and Restoration Program, pertaining to the Lavaca Bay Administrative Record.

Signed ________________________________

Date __________________________________

Please return this form, via fax or mail, to:

Phil Baxley, Records/Reference Librarian
NOAA/DAC
N/ORCAx1, SSMC-4, Station 10218
1305 East-West Highway
Silver Spring, Maryland 20910

FAX: (301) 713-4387

Sample Transmittal Used to Send Documents to the RP

September 14, 1999

Ms. Susan Matteson
Edwards & Angell
2800 BankBoston Plaza
Providence, RI 02903

Dear Susan,

Enclosed please find documents listed below which will be placed in the North Cape Administrative Record this week.

1. Revised Surf Clam Injury and Restoration Scaling. Deborah P. French, (Applied Science Associates, Inc.)(8/23/99).
2. David Evers, to Molly Sperduto, 7/20/99, Letter on Loon Data.
3. Addendum to: Injury Quantification and Restoration Scaling for Marine Birds Killed as a Result of the North Cape Oil Spill. Molly Sperduto, Charles Hebert, Michael Donlan, Sarah Thompson, (8/31/99).

Please call me if you require further information.

Sincerely,

Carol-Ann Manen, Ph.D.
Acting Branch Chief
Damage Assessment Center
NOAA/NOS

Encl: 3

Opening Screen

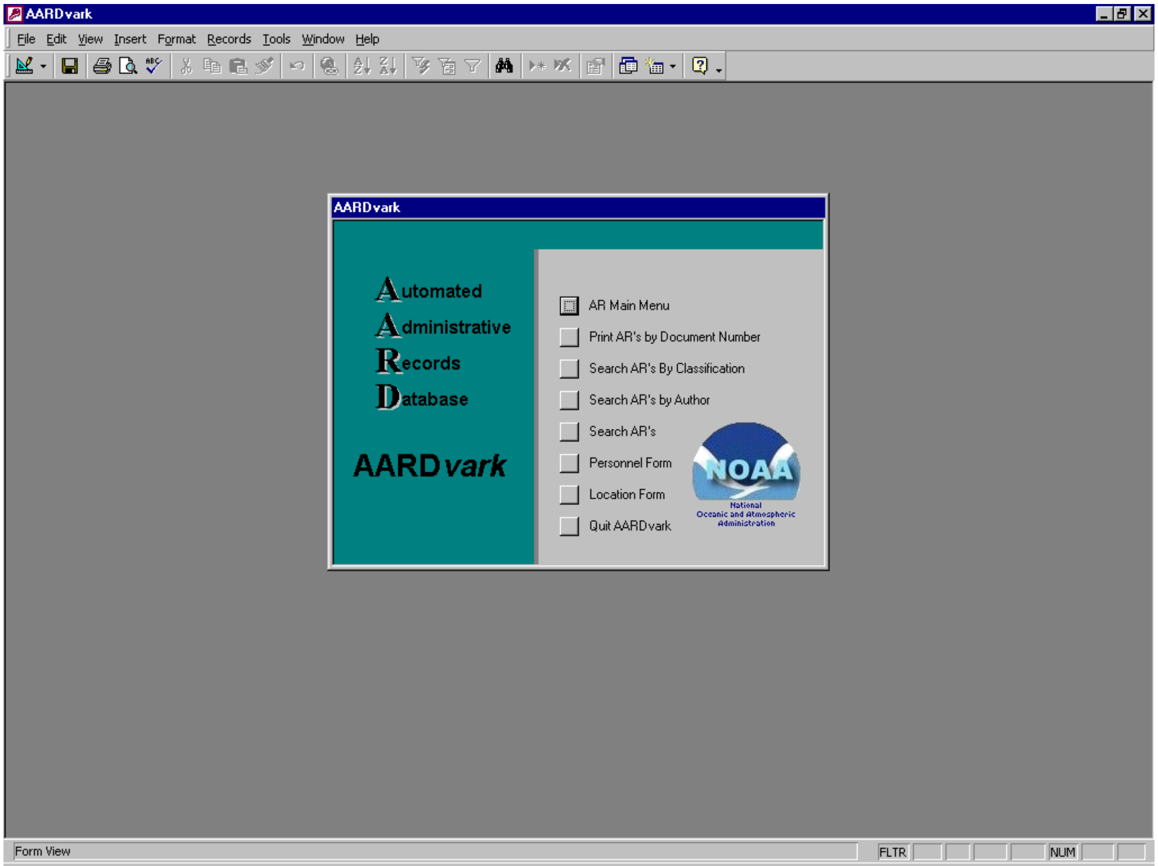

Figure 1

To open AARDvark click the AARDvark icon on your desktop. The Opening Screen (Fig. 1) will appear. From the Opening Screen you can perform the following tasks:

- Go to the Administrative Record (Hereafter referred to as AR) Main Menu
- Print ARs by Document ID Number
- Search an AR by classification number
- Search an AR by author
- Search ARs by fields such as title or date
- Add personnel
- Add new locations
- Quit AARDvark

Main Menu

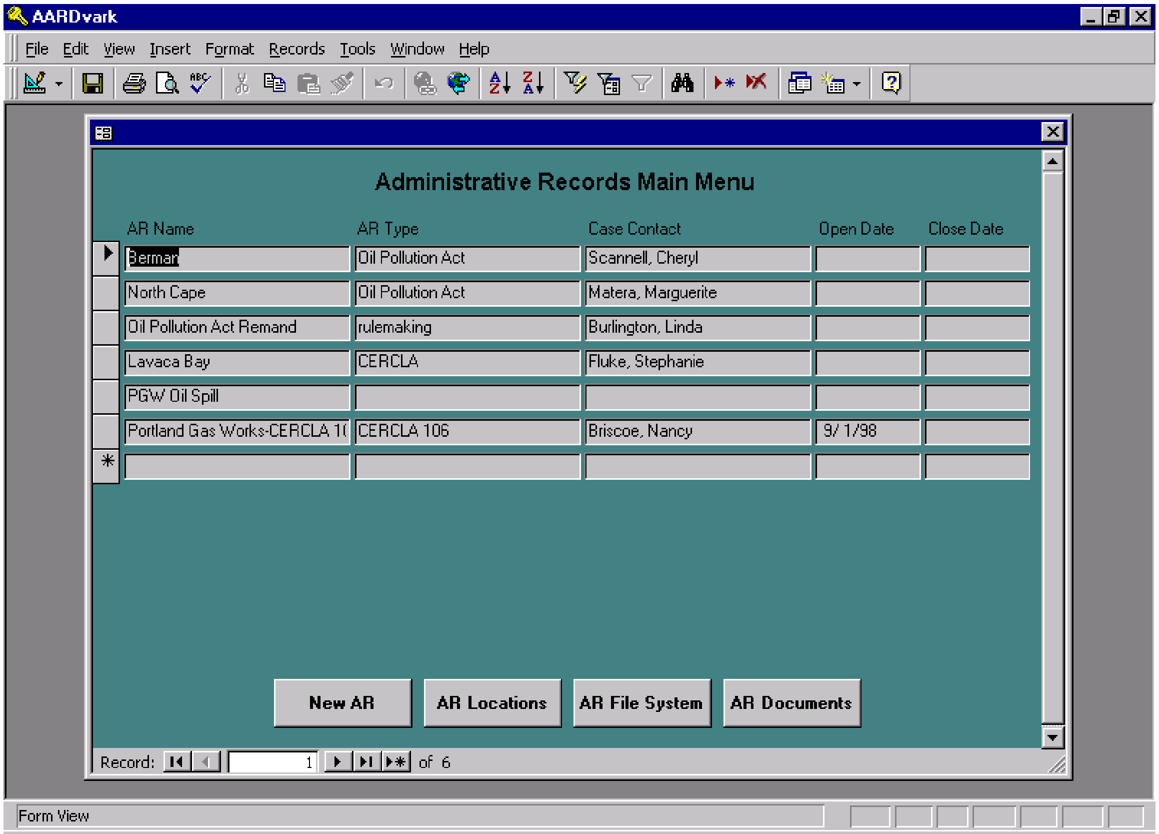

Figure 2

The AR Main Menu screen is a key screen that will assist in the navigation through the various administrative records. An administrative record consists of two main sections—the AR File System and the AR Documents. The AR File System is the classification system also termed the file structure. The AR Documents are records of the materials submitted for inclusion in the administrative record. Both the AR File system and the AR Documents can be accessed by clicking on the AR name and then clicking the appropriate button at the bottom of the screen.

Data Entry: Adding a New Administrative Record

Figure 3

To add a new Administrative Record to the database, perform the following steps.

1. From the Opening Screen (Fig. 1) click on AR Main Menu.
2. From the Main Menu click on New AR (Fig. 2).
3. A box entitled “Administrative Record Info” will pop up.
4. Complete the screen by using the pull down menus or typing the requested information. Some fields do have format requirements such as date. If you enter information that is incompatible with a field, AARDvark will request that you modify the input.
5. Close the entry screen.

Data Entry: Adding A New Classification Number

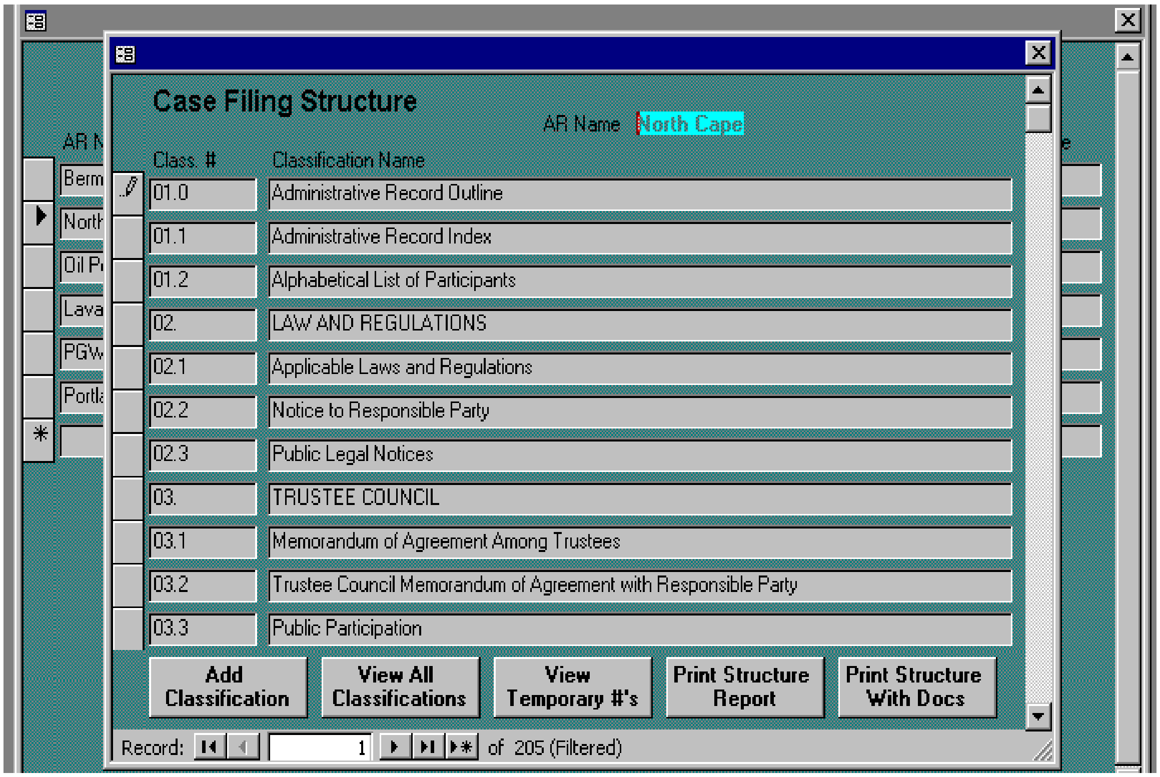

Figure 4

The AR File System is made up of individual classification numbers and corresponding classification names. Each classification number and its corresponding name must be entered individually. To enter a new classification number and classification name into the AR File System, follow these steps.

1. From the Opening Screen click AR Main Menu (Fig. 1).
2. From the Main Menu click "AR File System."
3. The Case Filing Structure screen will appear (Fig 4).
4. Click "Add Classification."
5. A blank form will appear where you can type the new classification number and the new classification name.

Data Entry: Adding a New Document

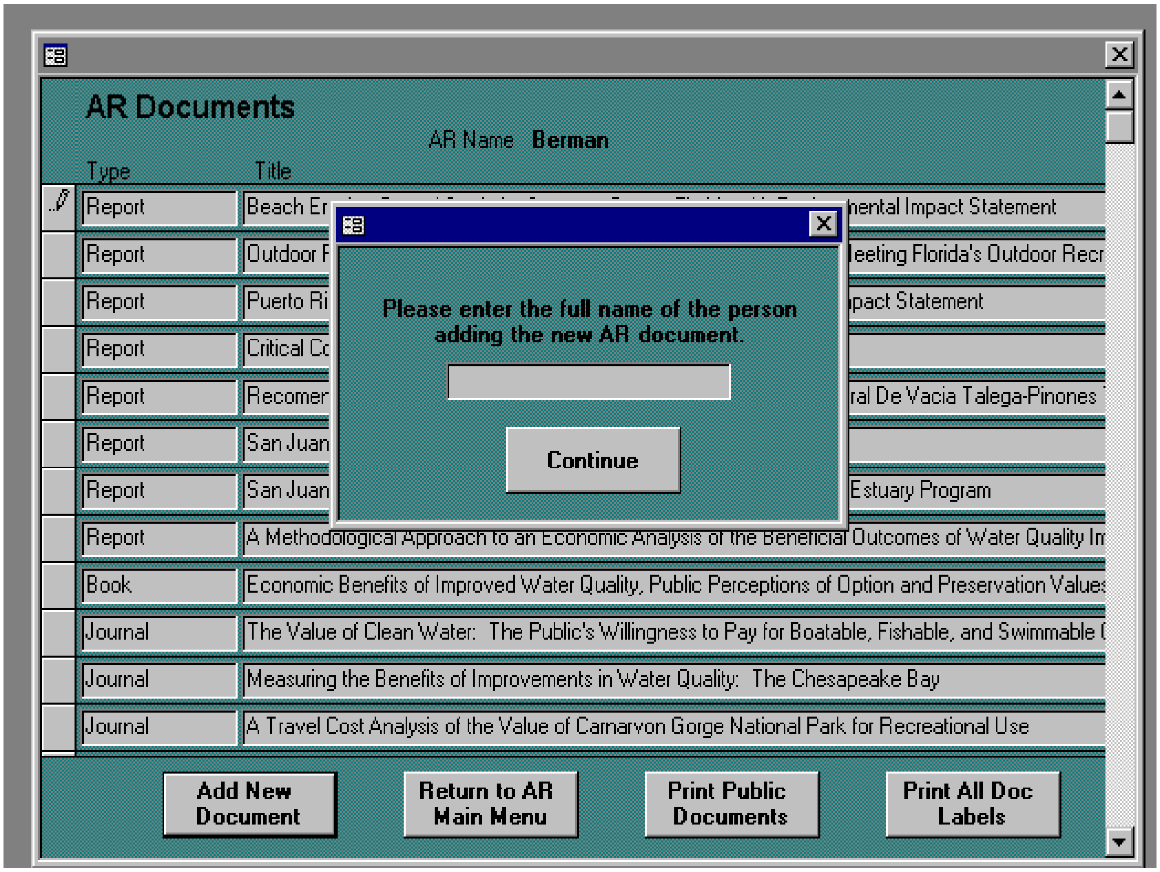

Figure 4a

To add a new document to an existing case file, follow the steps listed below. If you have documents to data enter into the system and you do not have an existing file structure, then you must first enter the complete file structure.

1. From the Opening Screen click "AR Main Menu" (Fig. 1).
2. Click on the name of the appropriate administrative record from the "Main Menu." For example, the "BERMAN" case is selected in Figure 2.
3. Click the "AR Documents" button at the bottom of the "Main Menu" screen (Fig. 2).
4. The "AR Documents" screen will appear.
5. Click the "Add New Document" button at the bottom of the "AR Documents" screen.
6. A box requesting the name of the person who will perform the data entry will appear (Fig 4a). This box must be filled in order to proceed.
7. After the name field is completed, click the "Continue" button (Fig. 4a).
8. A screen titled "AR Document" will appear (Fig. 5). See the next page for more information on this blank screen.

Data Entry: Blank Document Screen

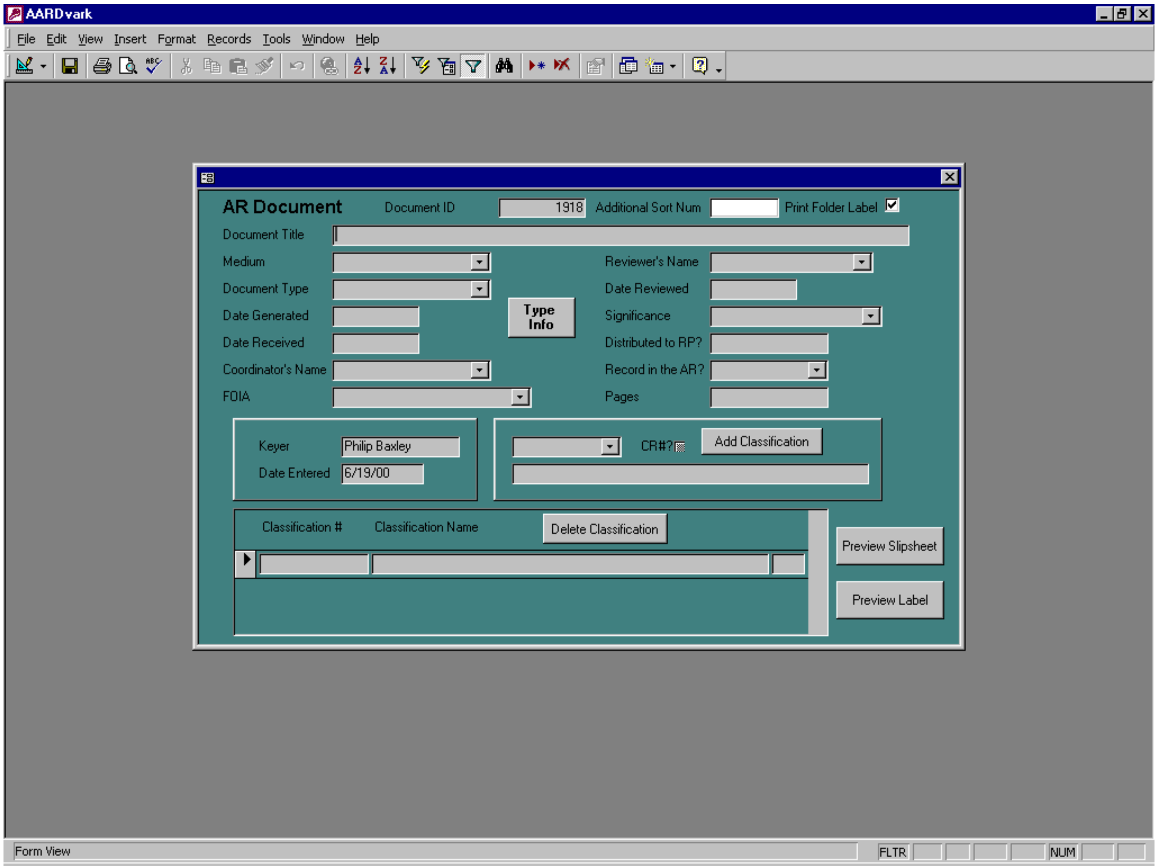

Figure 5

Entering data about an item into the AARDvark database is straightforward. Most of the necessary information can be obtained from the transmittal form that was filled out by the case attorney or the case attorney designate.

Once you start to enter information into any field, AARDvark will assign a Document ID Number to the record. The number will appear in the Document ID field. In figure 5 the Document ID Number is 1918. Record the Document ID Number on the transmittal form on the appropriate line at the bottom of the form.

After all of the fields on this screen have been completely filled out, click the "Type Info" button located in the middle of the screen.

Data Entry: Type Info Screen

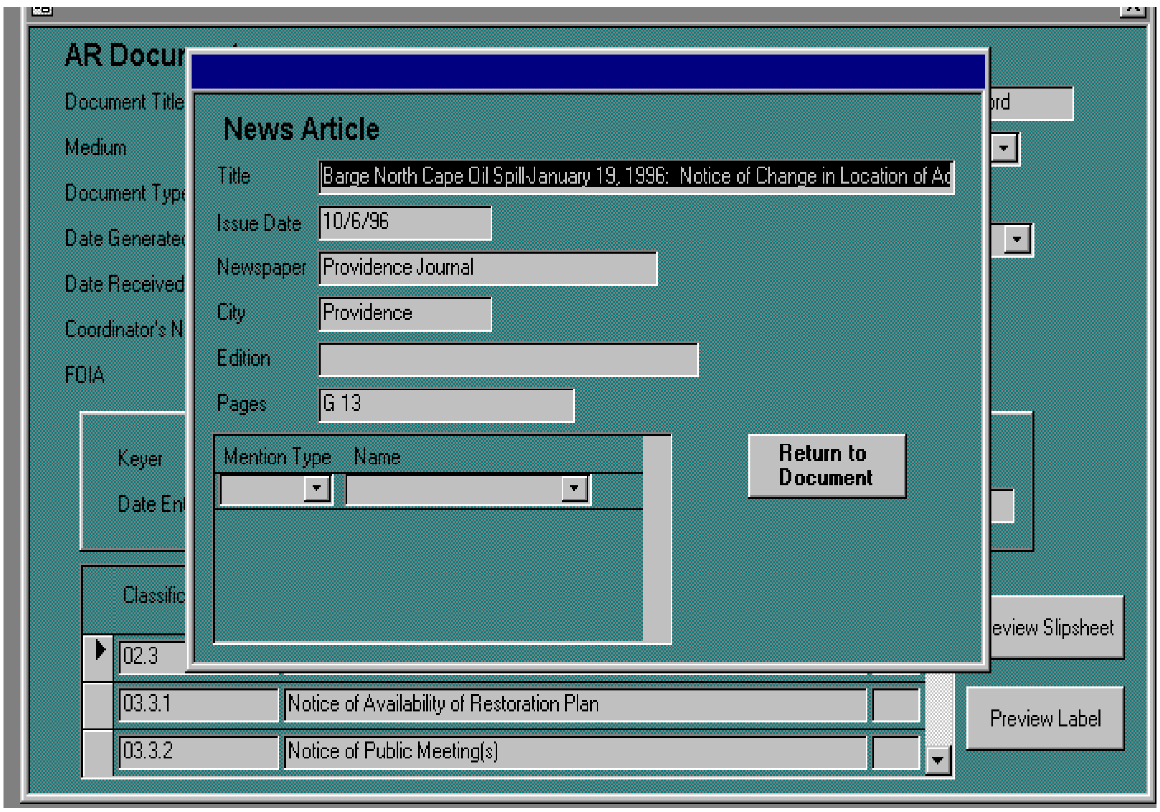

Figure 6

Because AARDvark prepares bibliographic citations according to the Chicago Manual of Style, additional information about the individual document must be provided. This additional bibliographic information is provided in the "Type Info" screen (Fig. 6). The example in Figure 6 is information for a news article. There are different "Type Info" screens for each "Document Type" such as journal articles, books, reports, etc. Once the "Type Info" screen has been completely filled out, click the "Return to Document" button located on the lower right hand section of the screen (Fig. 6).

Searching: Title and Date Searching

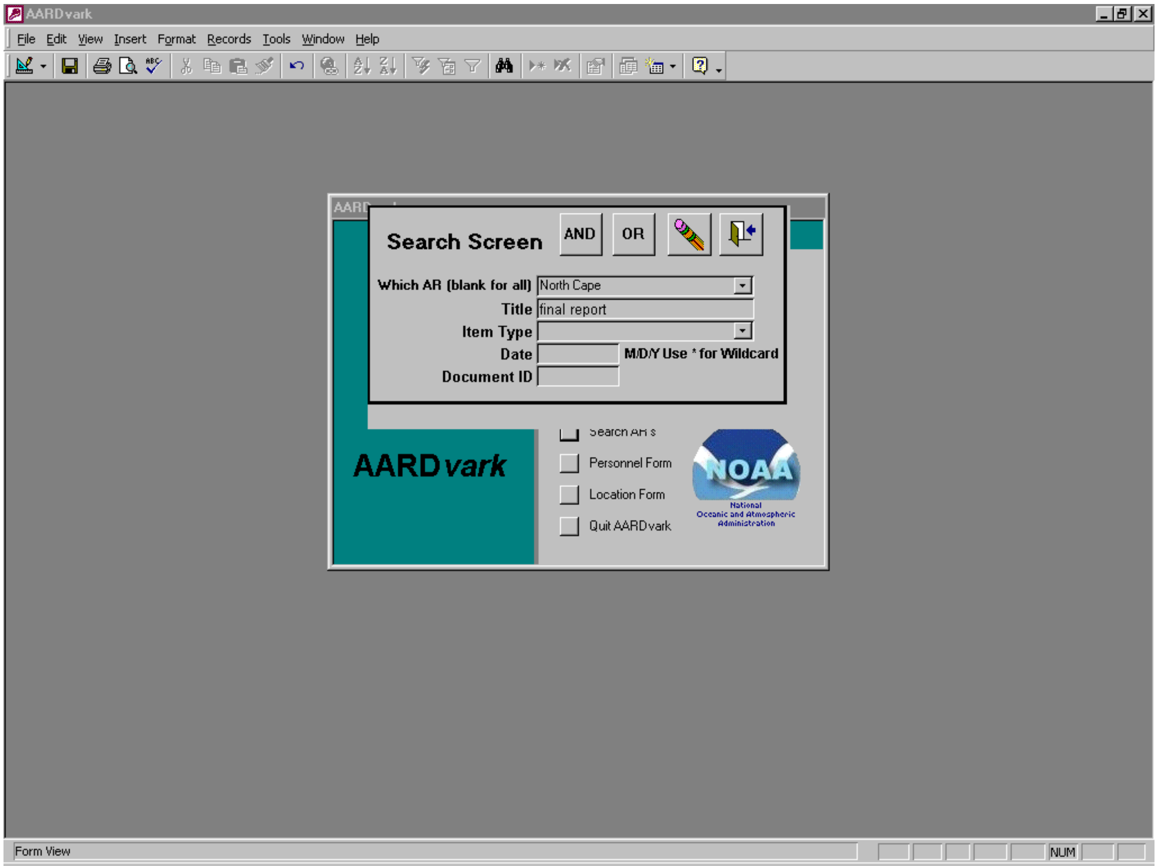

Figure 7

I. General Searching

To search for an individual document record, you can use the title, document ID number or date and proceed with the following steps:

1. The "Search Screen" always saves the last search. To quickly clear the fields, click the "erase" button. This button is located on the "Search Screen" and the button is the one with a pencil eraser.

2. Select the AR to search by using the pull down menu. If you do not select an AR to search, then AARDvark will search all administrative records.

3. Type in additional search terms in the appropriate boxes.

4. To begin the search, click the "AND" or the "OR" button located at the top of the Search Screen.

II. Boolean Searching:

In addition to using "AND" and "OR" to begin a search in the database, Boolean operators may be used to search multiple search terms within a field or to combine more than one field.

Within field:

The default Boolean operator is "AND." In other words, if you type two words into a field, then AARDvark will retrieve only those documents that contain BOTH of those words (Fig. 7).

Boolean operators can also be separated by a dash.

- EXAMPLE: Typing "final-and-report" in the title field will retrieve all items with the word "final" and the word "report" in the title field. The words do not need to appear next to each other in the text.
- EXAMPLE: Typing "final-or-report" in the title field will retrieve all items that have either the word "final" or that contain the word "report." This would likely be a long list indeed.

More than one field:

If you have entries in more than one field, you can use Boolean search terms to combine those terms and fields.

- EXAMPLE: To find all reports with the word fish in the title you would perform the following steps. First, use the pull down menu on the "Item Type" field and select "report." Second, type the word "fish" in the title field. Third, click the "AND" button to send the search.
- EXAMPLE: If you wanted to find items that involve "birds" OR are a "news article," perform the following steps. First, type "birds" in the title field. Second, use the item type pull down menu and select "news article" in the author field." Third, click the "OR" button to send the search.

III. Plural Terms

AARDvark will automatically search for terms and their plurals providing they end in "s" or "es."

- EXAMPLE: If you search for the term "fish" in the title field, then the database will display all the documents that contain the words "fish" and "fishes."

IV. Wildcard

AARDvark allows you to search for documents by using a wildcard placeholder. This wildcard symbol is an asterisk. The wildcard can only be placed at the end of the search term. Also, only one asterisk can be placed at the end of the search term.

- EXAMPLE: If you type the phrase "tox*" into the title field, then AARDvark will retrieve all documents that have the terms "toxin," "toxicology," etc. as title.

Searching: Search Results

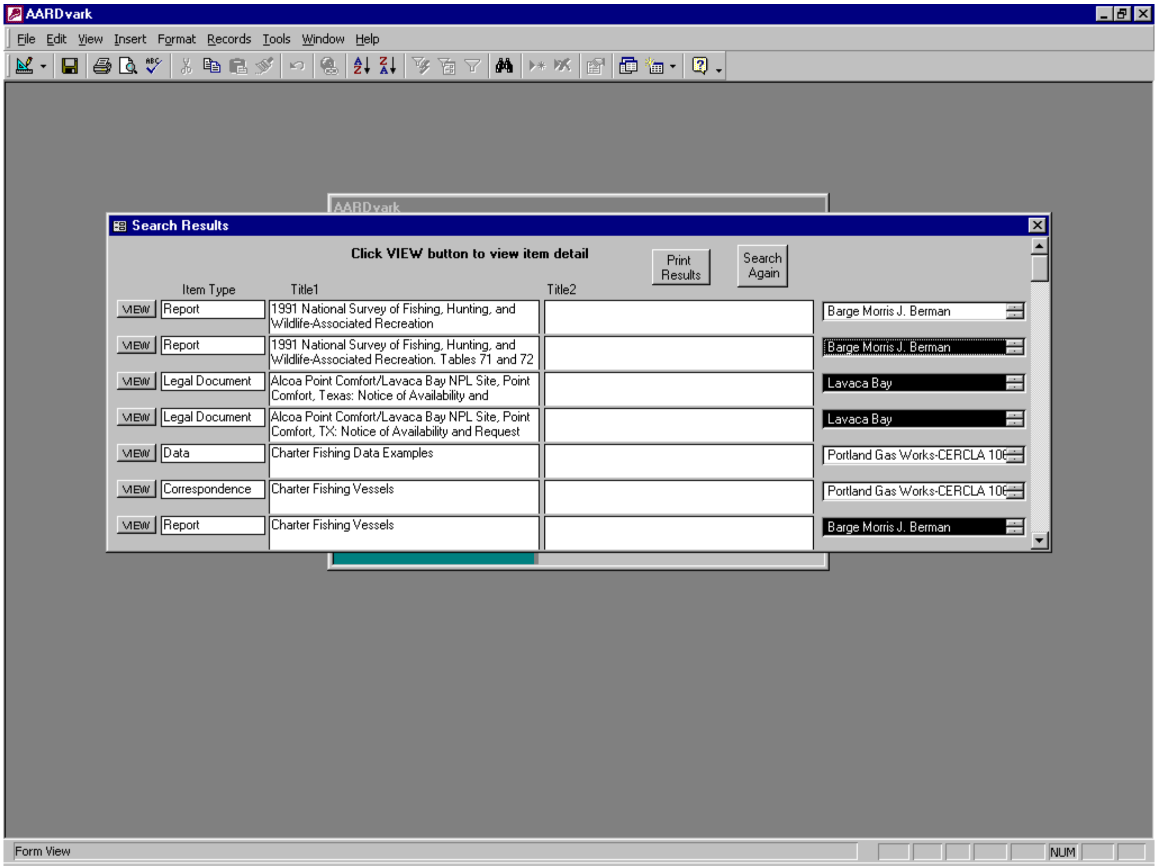

Figure 8

After AARDvark finishes searching the records, the search Results Screen will appear (Fig. 8). To see more detailed information about a record, click the "view" button located at the far left of the screen (Fig. 8).

I. Refine a Search

Since the AARDvark System saves the last search performed, after viewing your search results, you can easily modify your search by clicking on the "Search Again" button (Fig. 8). The refined search is a completely new search. That is, the "Search Again" button will cause AARDvark to search the entire database just like a new search would.

II. Printing the Search Results

To print the results of a search, click the "Print Results" button.

Searching: Classification Number Searching

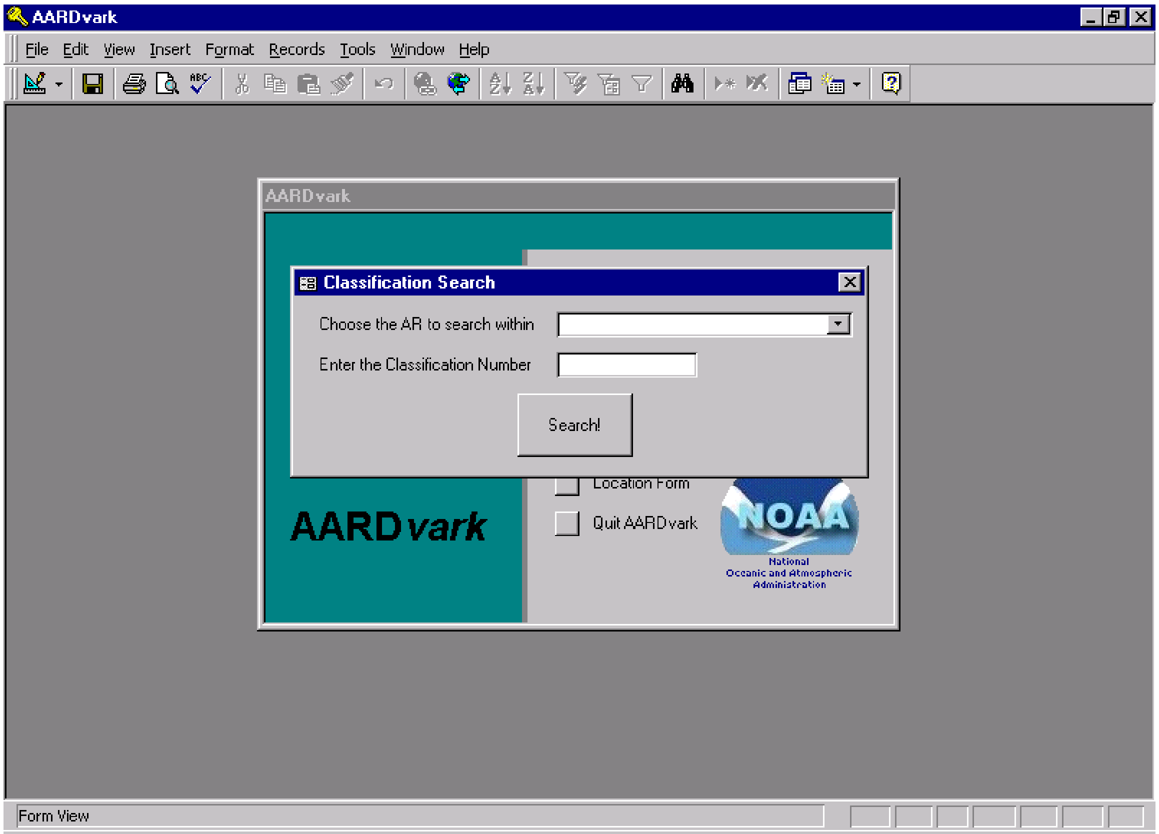

Figure 9

To locate all documents that are located in a particular AR under the same classification number, perform the following steps:

1. From the Opening Screen, click "Search AR's By Classification" (Fig. 1).
2. A Classification Search screen will appear (Fig. 9).
3. Use the pull down menu to select the AR to search (Fig. 9).
4. Type the classification number in the appropriate field (Fig. 9). NOTE: you must type the classification number *exactly* as it appears in the AARDvark database.
5. Click the "Search!" button to begin the search in AARDvark.

Searching: Author Search

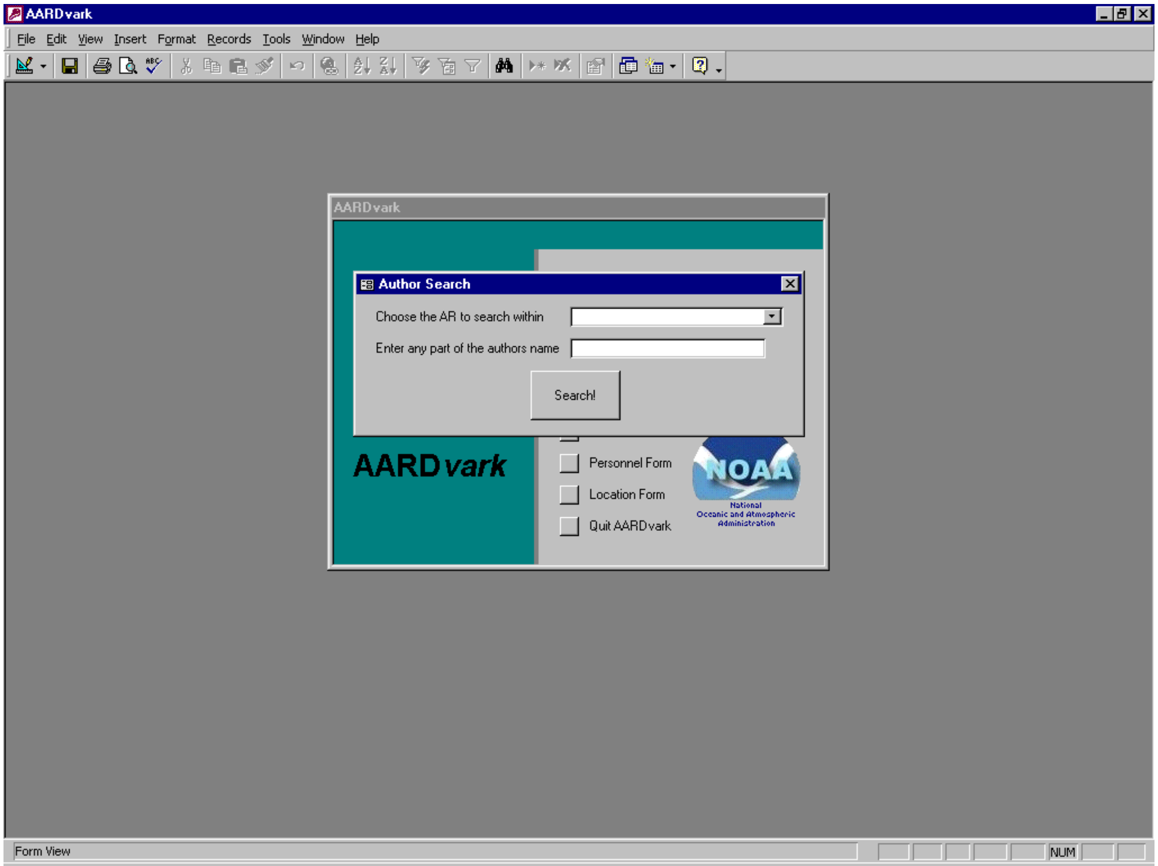

Figure 9a

To locate a document when you know the author's name, perform the following steps:

1. From the Opening Screen, click "Search AR's by Author" (Fig. 1).
2. An Author Search Screen will appear (Fig. 9a)
3. Use the pull down menu to select the AR to search (Fig. 9a).
4. Type any part of the author's name in the name field. NOTE: You must enter information into both fields or you can not perform the search.
5. Click the "Search!" button (Fig. 9a).

Labels

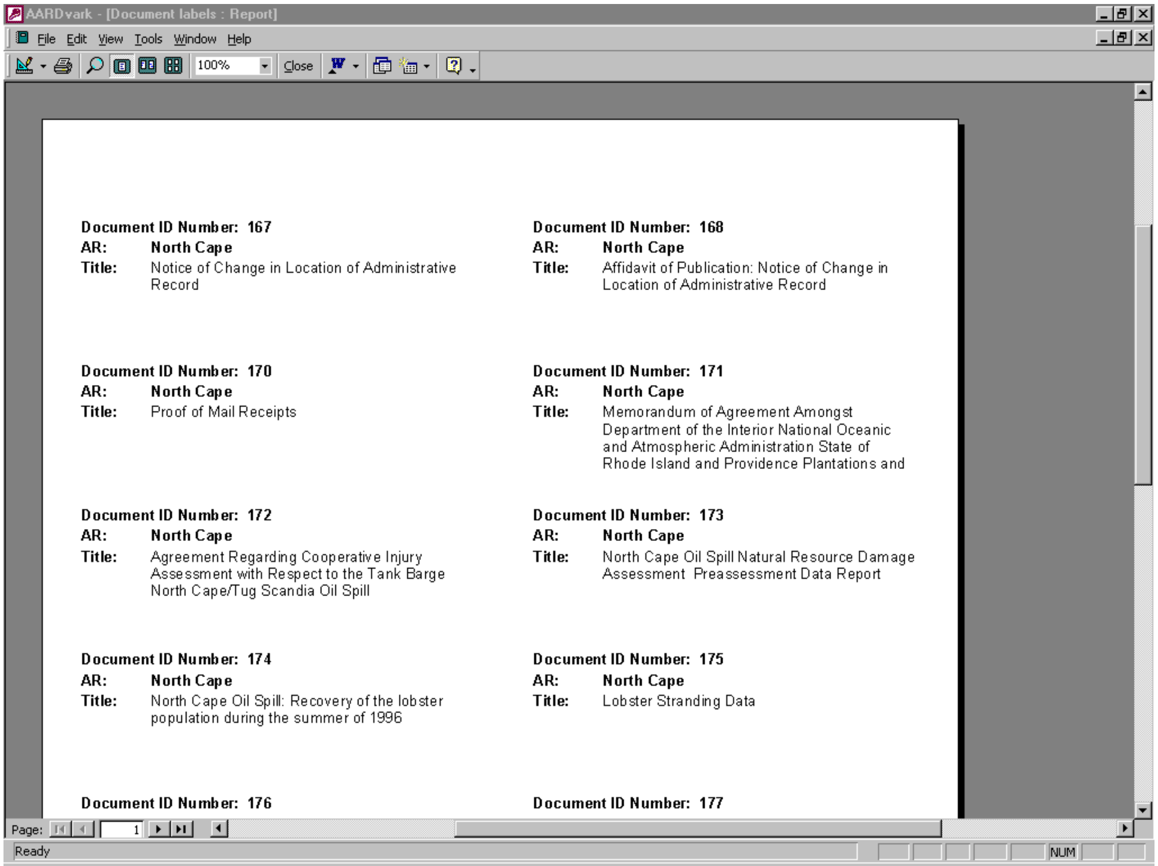

Figure 10

To print labels to place on AR folders, perform the following steps.

1. From the "Opening Screen" click "AR Main Menu."
2. From the "AR Main Menu" select the appropriate administrative record name (See the Main Menu section and Fig. 2 for more information.)
3. Click the "AR Documents" button (Fig. 2).
4. The AR Documents screen will appear (Fig. 11). Click the "Print all DOC Labels" button at the bottom of the screen.
5. Type the number "1" to choose Document ID format. This will print labels displaying document title and the Document ID number on the labels.
6. AARDvark will automatically format the labels to print on Avery 5162 White Address Labels (1 1/3" X 4" 14 labels per sheet). This formatting can be seen in figure 10.
7. Send the labels to the printer by using the pull down menus at the top of the screen. Select "File" and then "Print" (Fig. 10).
8. AARDvark will automatically set the printer to manual paper feed.
9. Feed the label sheets, one at a time, through the printer.

Printing the AR Index Report

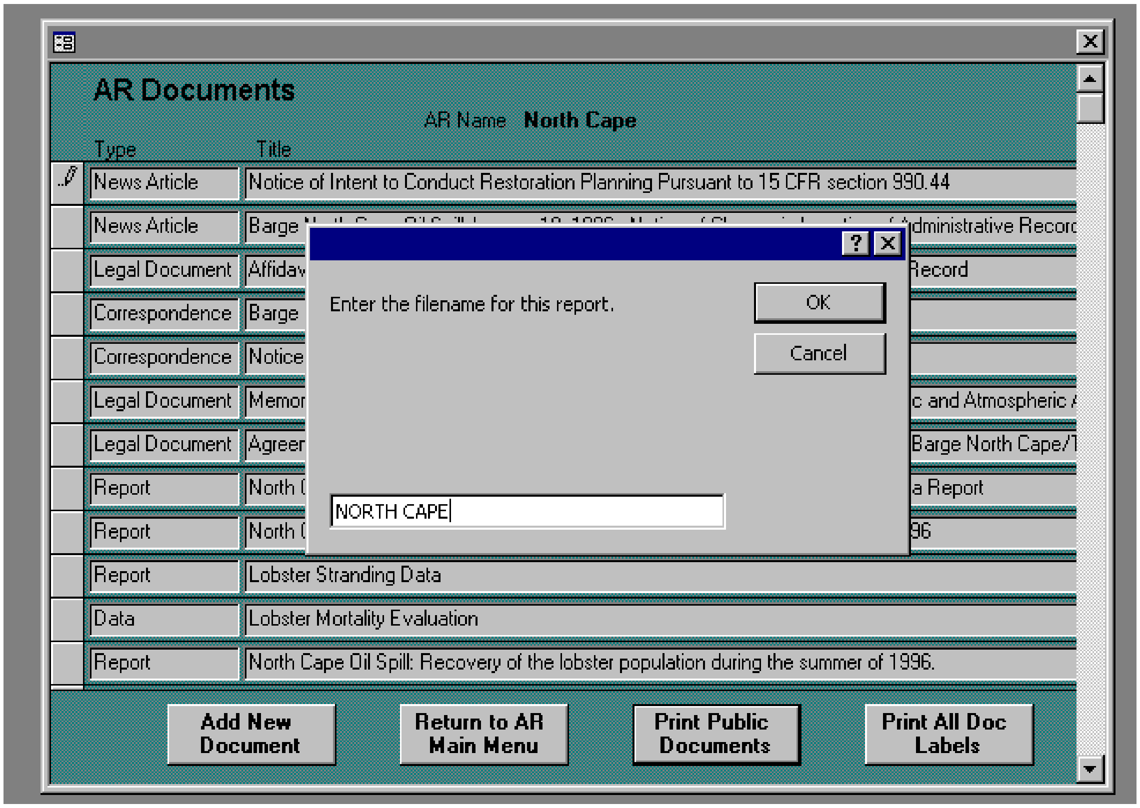

Figure 11

There are two methods of exporting or printing the AR file structure that incorporates all entered AR documents; this report is sometimes referred to as the AR Index. One method of printing the AR Index is to simply print a hardcopy directly from AARDvark to your attached printer. A second method is to export the AR Index into MS Word. Importing a file into MS Word allows additional flexibility. You will be able to choose whether to print a hardcopy or export the information into an MS Word document by using a pop-up screen (*see* step 5 *infra*). MS Word documents are easily reformatted to accommodate visual enhancements. Also, MS Word documents are portable since they can be stored on a computer disk or transmitted via email.

Printing an AR Index or Exporting the AR Index to a MS Word file

1. From the Opening Page click “AR Main Menu” (Fig. 1).
2. The Administrative Records Main Menu will appear. Select the appropriate case. (See the Main Menu heading and Fig. 2 for more information).
3. Click the “AR Documents” button at the bottom of the screen (Fig. 2).

4. From the AR Documents menu, click the “Print Public Documents” button located at the bottom of the screen.
5. A box will appear and ask whether you want to export the report to an MS file. If you click “No,” then AARDvark will automatically print a hardcopy of the report from your attached printer. If you click “yes,” then you will need to continue following these steps in order to export the file to an MS Word document.
6. A pop up box will appear (Fig. 11). Enter the filename for the report.
7. After you finish entering the filename, click the “OK” button.
8. A message will appear indicating that the file has been written to your desktop. Click the “OK” button.
9. The AR Index will appear (Fig. 12). The AR Index has already been saved to your desktop and it is ready to be printed as a hardcopy.

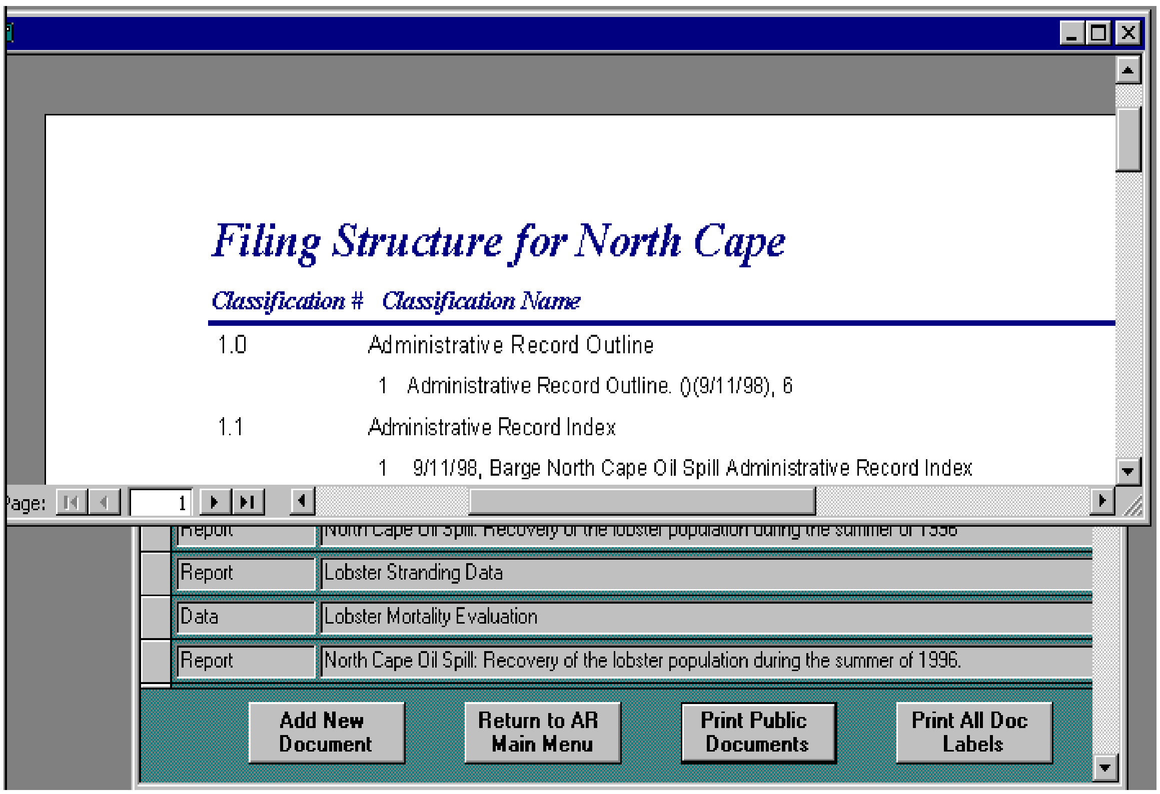

Figure 12

Printing the AR Document ID Report

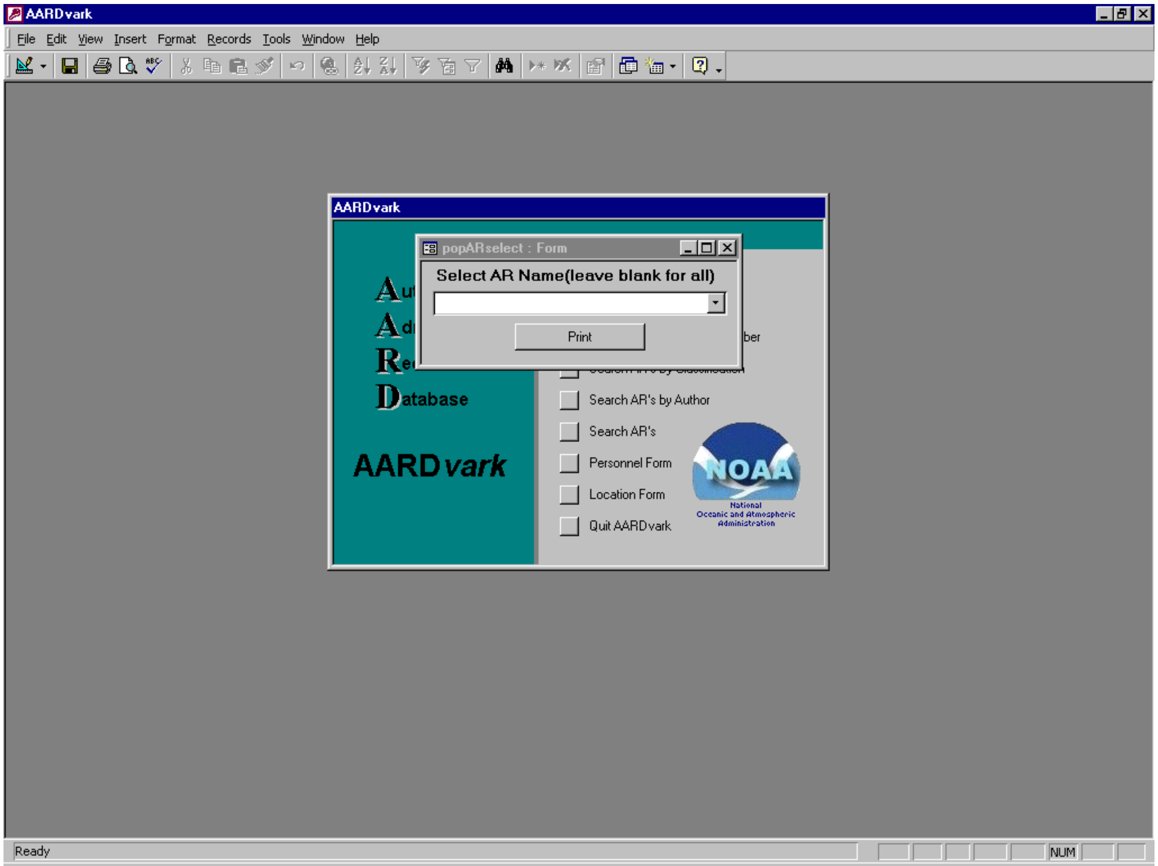

Figure 13

The AR Document ID Report will list all documents in a given AR. Documents are listed sequentially by Document ID Number. A master list of all documents in all ARs can also be prepared by using this feature. To print the AR Document ID Report, perform the following steps.

1. From the Opening page click "Print AR's by Document Number" (Fig. 1).
2. A "Select AR Screen" will appear (Fig.13).
3. Use the pull down menu to select an AR. Leaving the pull down menu blank will produce a report that lists all documents in all ARs sequentially by Document ID Number (Fig. 13).
4. Click "Print" (Fig. 13).