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News Release



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Port Gardner Natural Resource Trustees Sign Agreement

PORT GARDNER -- Federal, state and tribal natural resource trustees have signed an agreement to jointly conduct Natural Resource Damage Assessment (NRDA) activities within the Port Gardner Bay and lower Snohomish River area. The NRDA process involves evaluating injuries to natural resources due to releases of hazardous substances, and potentially asserting legal claims for compensation for those injuries on behalf of the public.

The agreement sets up a Trustee Council that will undertake the assessment, including selecting any restoration projects that may ultimately be implemented to restore and compensate for the injured natural resources.

The five natural resource trustees involved are the Tulalip Tribes, the Suquamish Tribe, Washington State as represented by the Department of Ecology, the National Oceanic and Atmospheric Administration, and the U.S. Department of the Interior, Fish and Wildlife Service. Each of the five trustees has designated representatives to participate on the Trustee Council. Under the agreement, all trustees have an equal status and voice in decision-making, and will work together to make the best possible decisions. The Trustee Council will operate by consensus.

The federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) authorizes the federal government, states, and tribes to act as trustees and to seek compensation on behalf of the public for natural resource injuries. CERCLA also outlines the assessment process that the trustees will use to quantify the injury to natural resources.

Many different activities over the years likely contributed to contamination of the bay and lower river area. The natural resource trustees are currently investigating evidence that this contamination harmed natural resources and supporting habitats such as the subtidal, shoreline, estuary, and upland areas of the site. The parties who conducted those activities, known as potentially responsible parties, or PRPs, under CERCLA, would share in the responsibility for funding restoration activities. As provided in the CERCLA regulations, the trustees routinely work with the PRPs throughout this process, with the goal of reaching a legal settlement to compensate the public for any injuries.



Compensation for these injuries takes the form of projects performed by the PRPs to restore injured resources, or monetary damages to be paid by the PRPs, for the Trustees to implement restoration projects.

The NRDA process is different and separate from the process for environmental cleanup of the Port Gardner area. The Washington State Department of Ecology is currently overseeing cleanup work at various sites in Everett, Washington and parties responsible for natural resource damages may also have liability for environmental cleanup at these sites.

The Trustee Council is committed to keeping the public informed about important milestones in the ongoing NRDA, including the opportunity to comment on any draft Damage Assessment and Restoration Plan.

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General information about Natural Resource Damage Assessments:

<http://www.doi.gov/restoration/index.cfm>

<http://www.darrp.noaa.gov/about/nrda.html>

Information about environmental cleanups being managed by Department of Ecology:

http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/2011/GardnerBayTulip11.pdf

http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html

For a copy of the Trustee Council agreement, please contact Jeff Krausmann at the Washington Fish and Wildlife Office, U.S. Fish and Wildlife Service, 360-753-6053, jeff_krausmann@fws.gov.

