



US DOI NRDA RESTORATION PROGRAM OPEN DAY

THREE PRINCIPLES FOR NATURAL RESOURCE DAMAGE ASSESSMENT PRACTICE:

HOW WE CAN “WALK THE TALK”

MARCH 30, 2011
PHOENIX, AZ



SESSION PARTICIPANTS

▶ CO-MODERATORS

- BARBARA GOLDSMITH, AD-HOC INDUSTRY NATURAL RESOURCE DAMAGE GROUP
- JOHN SCHMERFELD, US FISH AND WILDLIFE SERVICE

▶ PANELISTS

- CHARLENE ANDRADE, NOAA
- DONNA DIAMOND, FREEPORT-MCMORAN COPPER & GOLD, INC.
- JIM SMITH, STATE OF INDIANA
- LARRY TIPPIT, PEORIA TRIBE OF INDIANS OF OKLAHOMA
- RICHARD WENNING, ENVIRON



THREE PRINCIPLES FOR NRDA PRACTICE

1. **ALIGNING NRD PRACTICE WITH PROGRAM GOALS**
2. **STRENGTHENING THE SCIENCE-BASED APPROACH TO ASSESSMENT**
3. **FOCUSING ON THE BENEFITS OF COLLABORATION**



BACKGROUND AND PURPOSE OF THE PRINCIPLES

- ▶ **RAISED AT THE GROUP'S OCTOBER 2009 NRD SYMPOSIUM**
 - **GENERAL CONSENSUS AMONG PARTICIPANTS THAT THE PRINCIPLES COULD "ENABLE" A BETTER NRDA PRACTICE**
- ▶ **POTENTIAL BENEFITS TO ACHIEVING THE PRINCIPLES AT EVERY SITE**



APPLICATION OF THE PRINCIPLES: HOW CAN WE “WALK THE TALK”?



TODAY'S DISCUSSION

- ▶ **TWO HYPOTHETICAL CASES**
 - EACH FOLLOWED BY PANELIST RESPONSE AND DISCUSSION
- ▶ **SUMMARY DISCUSSION – APPLICATION OF THE PRINCIPLES IN TODAY'S NATIONAL PRACTICE**
- ▶ **POSSIBLE NEXT STEPS TO ACHIEVE THE THREE PRINCIPLES**



CASE 1: THE BIG WESTERN RIVER SPILL

- ▶ **THE BIG WESTERN RIVER**
 - RUNS THROUGH AIMLESS MOUNTAINS
 - SERVES AS THE BORDER OF THE DESERT STATE
 - PROVIDES GATHERING RESOURCES FOR LOCAL TRIBE
 - SEMI-POPULAR TOURIST DESTINATION
 - DRINKING WATER SUPPLY TO TWO NEARBY TOWNS
- ▶ **TANKER TRUCK OVERTURNS ON HIGHWAY 42**
 - 5,000 GALLONS OF ICE-BE-GONE[®] SPILLS INTO BIG WESTERN RIVER
 - CONTAMINATION AND SIGNIFICANT FISH KILL FOUND 10 MILES ALONG THE RIVER



PARTIES INVOLVED

- ▶ **PRP AND TANKER TRUCK OWNER**
 - **CHEMICAL COMPANY ICE MELTER**

- ▶ **CO-TRUSTEES**
 - **FEDERAL FISH AND TREE AGENCY**
 - **STATE OF DESERT**
 - **WESTERN RIDGE TRIBE**



STATUTORY AUTHORITIES AND ALLEGEDLY INJURED RESOURCES

▶ APPLICABLE STATUTES

- CERCLA
- CLEAN WATER ACT

▶ RESOURCES

- 90% LOSS OF THE LAST KNOWN POPULATION OF THE FEDERALLY LIST ENDANGERED HAIRY SALAMANDER
- RECREATIONAL FISHERY LOST USE
- TEMPORARY LOSS OF WATER SUPPLY
- TRIBAL CULTURAL LOST USE



CASE 1: QUESTIONS AND DISCUSSION

1. ARE YOU THINKING ABOUT RESTORATION IN THIS SCENARIO?
2. WHAT WOULD THE BENEFITS BE OF FOCUSING ON RESTORATION?
3. WHAT PROBLEMS/ISSUES COULD BE ELIMINATED?
4. WHERE CAN WE INSERT SOUND SCIENCE GIVEN THE DYNAMICS?



CASE 1: MORE QUESTIONS

1. **WHAT OPPORTUNITIES EXIST FOR COOPERATION?
(EVEN BETWEEN SOME OF THE PARTIES)**
2. **WHAT ARE THE HURDLES TO ENABLE THE
PRINCIPLES?**
3. **HOW WOULD THINKING ABOUT THE 3 PRINCIPLES
AT THE OUTSET AVOID OR MITIGATE THESE
HURDLES?**



CASE 2: THE URBANLIFE INDUSTRY PARK

- ▶ **URBANLIFE INDUSTRY PARK**
 - **COMMERCIAL AND INDUSTRIAL ACTIVITIES HAVE BEEN UNDERTAKEN FOR OVER 100 YEARS**
 - **INCLUDES MANUFACTURING, TRANSPORTATION, WOOD PROCESSING, CHEMICAL PROCESSING**
 - **THE SITE IS ADJACENT TO BLUE BAY**
 - **BLUE BAY SERVES AS A MAJOR PORT FOR THE STATE OF NORTHLAND**
 - **CULTURAL FISHING AREA FOR LOCAL TRIBAL NATION**
 - **THE URBANLIFE SITE WAS PLACED ON THE EPA NPL LIST IN 1984**
 - **A FINAL ROD WAS ISSUED IN 2008**



PARTIES INVOLVED

- ▶ **OVER 50 PRPs**
- ▶ **CO-TRUSTEES**
 - **FEDERAL FISH AND TREE AGENCY**
 - **STATE OF NORTHLAND**
 - **VALLEY TRIBE**



STATUTORY AUTHORITIES AND ALLEGEDLY INJURED RESOURCES

▶ APPLICABLE STATUTES

- CERCLA
- CLEAN WATER ACT
- OPA
- NORTHLAND STATE LAW

▶ RESOURCES

- SOIL
- GROUNDWATER
- SEDIMENT
- WATER
- RECREATIONAL FISHERY LOST USE



CASE 2: QUESTIONS AND DISCUSSION

1. WHAT ACTIONS COULD YOU UNDERTAKE TO ALIGN PRACTICE AT THIS SITE WITH NRD PROGRAM RESTORATION GOALS?
2. IN THIS INSTANCE, WHAT COULD YOU DO TO INCORPORATE SCIENCE INTO YOUR ACTIONS?
3. WHAT STEPS COULD YOU TAKE TO ENCOURAGE COOPERATION? WITH WHO?
4. WHAT, IF ANYTHING, IS PREVENTING YOU FROM IMPLEMENTING THESE PRINCIPLES?
5. HOW COULD YOU OVERCOME THOSE ISSUES?



SUMMARY DISCUSSION

1. DO THE HYPOTHETICAL CASES REFLECT WHAT IS BEING SEEN AT ACTUAL SITES?
2. DO WE AGREE THAT THE THREE PRINCIPLES ARE POSITIVE ATTRIBUTES WE SHOULD TRY TO ACHIEVE?
3. IS ONE PRINCIPLE MORE DIFFICULT TO ADDRESS? IF SO, WHY?
4. WHICH PRINCIPLE DO YOU VIEW AS THE MOST IMPORTANT FROM YOUR PERSPECTIVE? WHY?



SUMMARY DISCUSSION (CONT.)

1. WHAT ARE THE SOME OF THE CATALYSTS TO ACHIEVING THE THREE PRINCIPLES?
2. INHIBITORS?
3. SHOULD THE ACHIEVEMENT OF THESE PRINCIPLES BE INCENTIVIZED?
4. IF SO, WHAT ARE SOME OF THE METRICS THAT CAN BE USED?



POSSIBLE NEXT STEPS?