



Natural Resource Damage Assessment and the Tittabawassee River

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Major Topics



- n What is NRDA?
- n What are the roles of the Trustees?
- n How does NRDA fit with this site?
- n Next steps

What is NRDA?



- n Natural Resource Damage Assessment and Restoration
- n Created by Congress in addition to the processes for cleanup of hazardous substances (both state and federal laws)
- n Government agencies act on behalf of the public to replenish the common store of natural resources for public use and enjoyment

Goals of NRDA

- n Restore injured natural resources and the services they provide
- n For NRDA, restore means: restore, rehabilitate, replace, or acquire the equivalent of injured natural resources and services
- n Make the public whole: not punitive
- n Restoration to two goals:
 - Baseline
 - Compensatory

Restore to “Baseline”

- n Restore to the condition that the resources would have been in had the release of hazardous substances not occurred
- n Not to “pristine”
- n Direct and indirect impacts



Compensatory Restoration

- n When the public experiences losses in natural resources and their services: past, present, and (potentially) future
- n Compensation is in the form of restoration (restore, rehabilitate, replace, acquire the equivalent)



Natural Resources

- n “natural resources” means land, fish, wildlife, biota, air, water, groundwater, drinking water supplies and other such resources...
- n belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by...
- n Trustees (CERCLA §101)
- n For Tribal Trustees, natural resources include natural resources for tribal subsistence, cultural and spiritual uses that are preserved by treaties



Trustees

- n States
- n Tribes
- n Secretaries of Federal Departments
 - Agriculture
 - Commerce (NOAA)
 - Defense
 - Energy
 - Interior
- n Foreign Governments (for oil spills)

For the Tittabawassee River:

- Governor of Michigan designated the Directors of MDEQ and MDNR and the Attorney General as trustees for the state
- Saginaw Chippewa Indian Tribe
- Secretary of the Interior delegated to Regional Director of the U.S. Fish and Wildlife Service on behalf of USFWS and the Bureau of Indian Affairs

Trustees...

- n Work together
- n Coordinate with cleanup process by integrating trustee concerns and science into the investigations and planning
- n Assess injuries to natural resources
- n Evaluate and scale restoration alternatives for
 - Returning resources to baseline
 - Compensating for interim lost resources and services
- n Coordinate restoration alternatives with cleanup plans
- n Oversee and/or implement restoration plan

Where does NRDA fit in for this site?

- n “Framework for an Agreement Between the State of Michigan and The Dow Chemical Company”
 - Work toward a comprehensive settlement
 - Include restoration
- n RCRA Corrective Action
 - Remedial Investigation, Human Health Risk Assessment, Ecological Risk Assessment, Feasibility Study, Remedial Action Plan
- n NRDA
 - Assess injuries using RI and ERA data, perhaps additional work
 - Determine amounts and types of restoration needed
 - n Unique analyses to NRDA process
 - n Depends on timing and completeness of cleanup

Next steps?

- n Trustees are working with MDEQ, EPA, and Dow to organize a common database
- n Trustees are providing input into study designs (e.g RI Work Plan, ERA)
- n Trustees are participating in facilitated discussions
- n Trustees are organizing existing data to officially document intent to perform NRDA
- n Long-term, Trustees will determine potential injuries to assess with input from public and Dow
- n Long-term, Trustees will collect and develop ideas for potential restoration projects with input from public and Dow
- n Trustees will work with MDEQ and Dow to coordinate public meetings and information; may establish our own website.

Summary



- n The goal of NRDA is to restore: return to baseline and compensate for losses over time.
- n Trustees are coordinating with each other and the cleanup activities.
- n NRDA is a complimentary, parallel, yet distinct process from the cleanup activities.
- n Early involvement can reduce total cost of remediation plus restoration/compensation.
- n The Trustees welcome public input and will specifically ask for comments at certain times.

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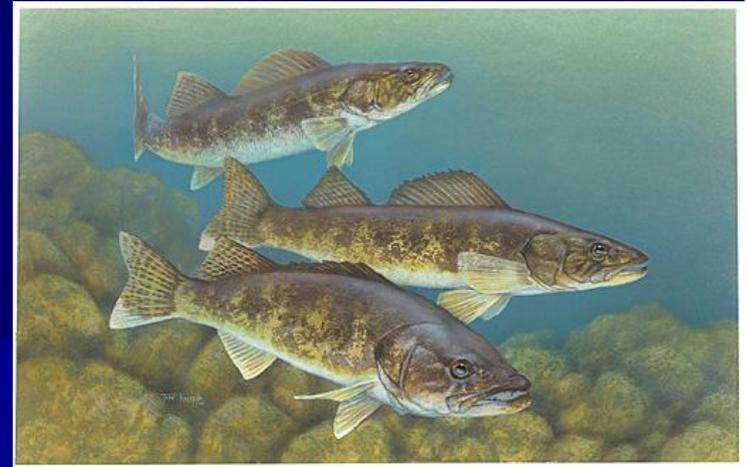
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