

Executive Summary

On April 9 and April 12, 2002, a mixture of diesel fuel and used motor oil was discharged from the Baby Creek Outfall into the Rouge River near Dearborn, Michigan. The spill resulted in the release of an estimated 322,820 gallons of the oil mixture. Oil was observed along three miles of the Rouge River from the Dix Street Bridge to the Detroit River and along 17 miles of the Detroit River from its confluence with the Rouge River to western Lake Erie. Ten miles of Canadian shoreline along the Detroit River was also impacted by the oil spill. Federal and state authorities conducted extensive investigations, but were unable to identify a Responsible Party. The United States Coast Guard led cleanup operations funded by the Oil Spill Liability Trust Fund. Cleanup included booming, skimming, vacuuming and removal of oiled vegetation. Oil recovery efforts continued through early May 2002, yielding 66,359 gallons of the oil mixture. The Rouge River was closed to navigation during the cleanup; 24-hour continuous operations resumed in early May of 2002.

The Rouge River Mystery Oil Spill Trustee Agencies (Trustees) consist of the U.S. Fish and Wildlife Service, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, and the Michigan Department of the Attorney General. The Trustees have conducted a Natural Resource Damage Assessment to determine the extent of injuries resulting from the discharge of oil and are seeking compensation in the form of restoration projects. Under the authority of the Oil Pollution Act of 1990, the Trustees are the designated natural resource stewards for their respective jurisdictions. The Trustees will act on behalf of the public, under state and Federal law, to plan and implement actions to restore, rehabilitate, replace, or acquire the equivalent of the affected natural resources injured by the Rouge River Mystery Oil Spill (Spill).

Damage Assessment and Restoration Plan

The Trustees have prepared this draft Damage Assessment Restoration Plan (DARP). The purpose of the DARP is to assess, document, and quantify natural resource injuries arising from the Spill and to promulgate a plan for appropriate resource restoration. The goal of restoration is to make the public and the environment whole for injuries to natural resources resulting from the Spill. Restoration will be accomplished by returning injured natural resources and associated lost services to their baseline condition, the condition they would have been in had the spill not occurred, and by compensating the public for the interim loss of resources and services. To achieve this goal, the Trustees are authorized to restore, rehabilitate, replace, or acquire the equivalent of the damaged natural resources.

The Trustees are seeking public comment on this draft DARP. Comments may be submitted in writing or via e-mail to the U.S. Fish and Wildlife Service during the 30-day public comment period which will begin with the publication of this draft DARP. Availability of the draft DARP will be announced via e-mail using a mailing list compiled for the Detroit River International Wildlife Refuge, by press release provided to local media, and provided on the website of the U.S. Fish and Wildlife Service (<http://www.fws.gov/midwest/es/ec/nrda/RougeRiver/index.html>). The Trustees will consider public comments in preparing and issuing the final DARP for the 2002 Rouge River Mystery Oil Spill.

What was injured?

The spill caused significant impacts to wildlife and wildlife habitat.

- **Birds:**
Investigators recovered 11 dead birds. Total avian mortality was estimated to be 5,348 birds, including 4,106 greater and lesser scaup.
- **Mammals:**
An estimated 308 muskrats were killed.
- **Amphibians and Reptiles:**
An estimated 78 amphibians and 114 reptiles were killed.
- **Fish:**
228 kg of fish biomass was estimated to have been lost due to oil associated mortality and decreased future production potential.
- **Shoreline Habitats:**
24.9 acres of shoreline were impacted; 10.2 acres received a coating of oil 1 mm or greater, the critical threshold for injury to vegetation and animals.

What restoration projects will compensate the public for these injuries?

Fifty-six restoration projects were initially evaluated as possible projects for compensatory restoration. The Trustees determined that 14 of these projects met the initial screening criteria. Of these projects, four were selected for further evaluation. These four proposed projects best met the restoration criteria set forth by the Trustees under Oil Pollution Act regulations. The proposed projects are designed to restore, replace, or acquire the equivalent of the injured or lost resources through active restoration projects. The proposed projects are:

- Humbug Marsh / Monguagon Creek Bank Habitat Improvements
- Gibraltar Wetland Restoration
- Great Lakes Marsh Restoration
- Pointe Mouillee Wetland Restoration

How will these projects be funded?

Under the Oil Pollution Act, the Responsible Party is liable for the cost of implementing restoration projects, as well as the costs incurred by the Trustees to undertake this damage assessment. After extensive investigation, no Responsible Party has been identified for the 2002 Rouge River Mystery Oil Spill. If no Responsible Party is identified by the time this draft DARP is finalized, the Trustees will submit a restoration claim to the National Pollution Fund Center for restoration funding from the Oil Spill Liability Trust Fund. Administrated by the National Pollution Fund Center, these monies are acquired through oil industry taxes and penalties paid by oil spill Responsible Parties. The Oil Spill Liability Trust Fund provides resources for emergency spill response and, for cases in which the Responsible Parties remain unidentified, it provides funding for the assessment, planning, and restoration of spill-related injuries. If the costs of restoration identified in the final DARP are paid from the Oil Spill Liability Trust Fund, any Responsible Party identified in the future shall be held liable for the assessment and restoration costs, plus any associated administrative costs incurred by the Trustees.