

Diamond Alkali Natural Resource Damage Assessment and Restoration

Public Meeting for Identification of Restoration Opportunities

**Presented by the Natural Resource Trustees:
National Oceanic and Atmospheric Administration
U.S. Department of the Interior**



Overview of Natural Resource Damage Assessment and Restoration



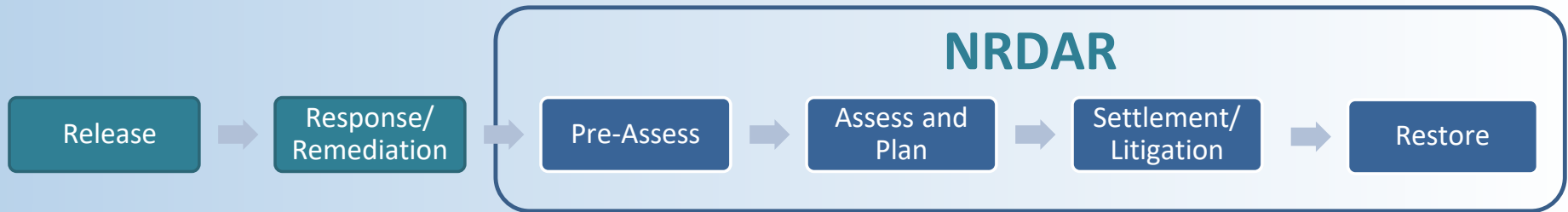
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- **The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) authorizes:**
 - EPA: Cleanup of released hazardous substances that pose an adverse impact on human health and/or the environment
 - Natural Resource Trustees: Restore, replace, rehabilitate, or acquire the equivalent of natural resources and their services that have been injured by releases of hazardous substances



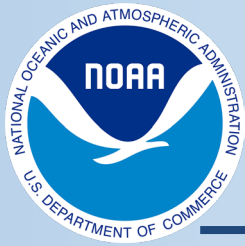
Overview of Natural Resource Damage Assessment and Restoration



- Federal Natural Resource Trustees: U.S. Department of the Interior (DOI), National Oceanic and Atmospheric Administration (NOAA)



- Trustee role:
 - Coordinate with response agencies (e.g. EPA)
 - Assess injuries to natural resources
 - Evaluate & scale restoration alternatives
 - Prepare an “injury” claim to recover “damages” from potentially responsible parties
 - Develop and implement restoration plan(s)



Assessing Injuries to Natural Resources



Assessment Plan



Restoration Planning: Maxus Bankruptcy Settlement



- Federal trustees recovered ~\$81 million from Maxus Energy, a potentially responsible party that filed for bankruptcy
- Up to approximately \$40 million is available at this time for restoration to compensate public for losses to natural resources
- Funds the development of a restoration plan which will evaluate potential projects using specific factors
- Selected projects may be implemented at this time using those funds recovered in the settlement



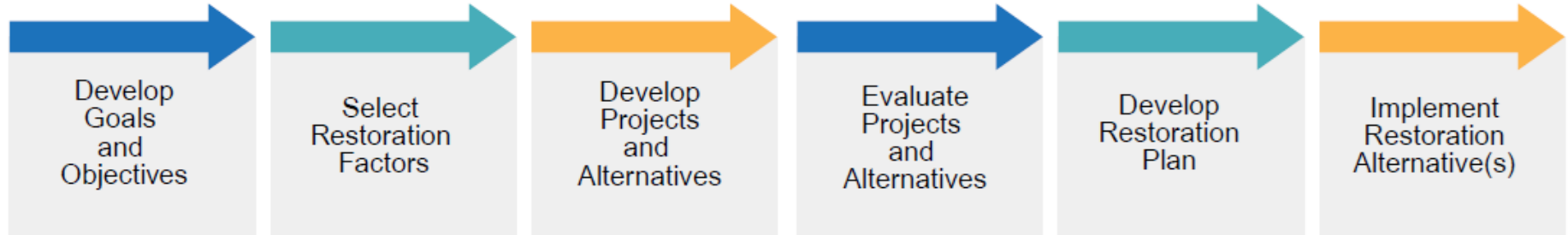
Restoration Planning: Goals



- Identify the universe of potential projects in the region for Trustee consideration
- Develop a programmatic/long-term strategy for restoration in the watershed
 - Project types and site specific projects
- Specifically identify and select restoration opportunities to potentially implement with Maxus settlement funds



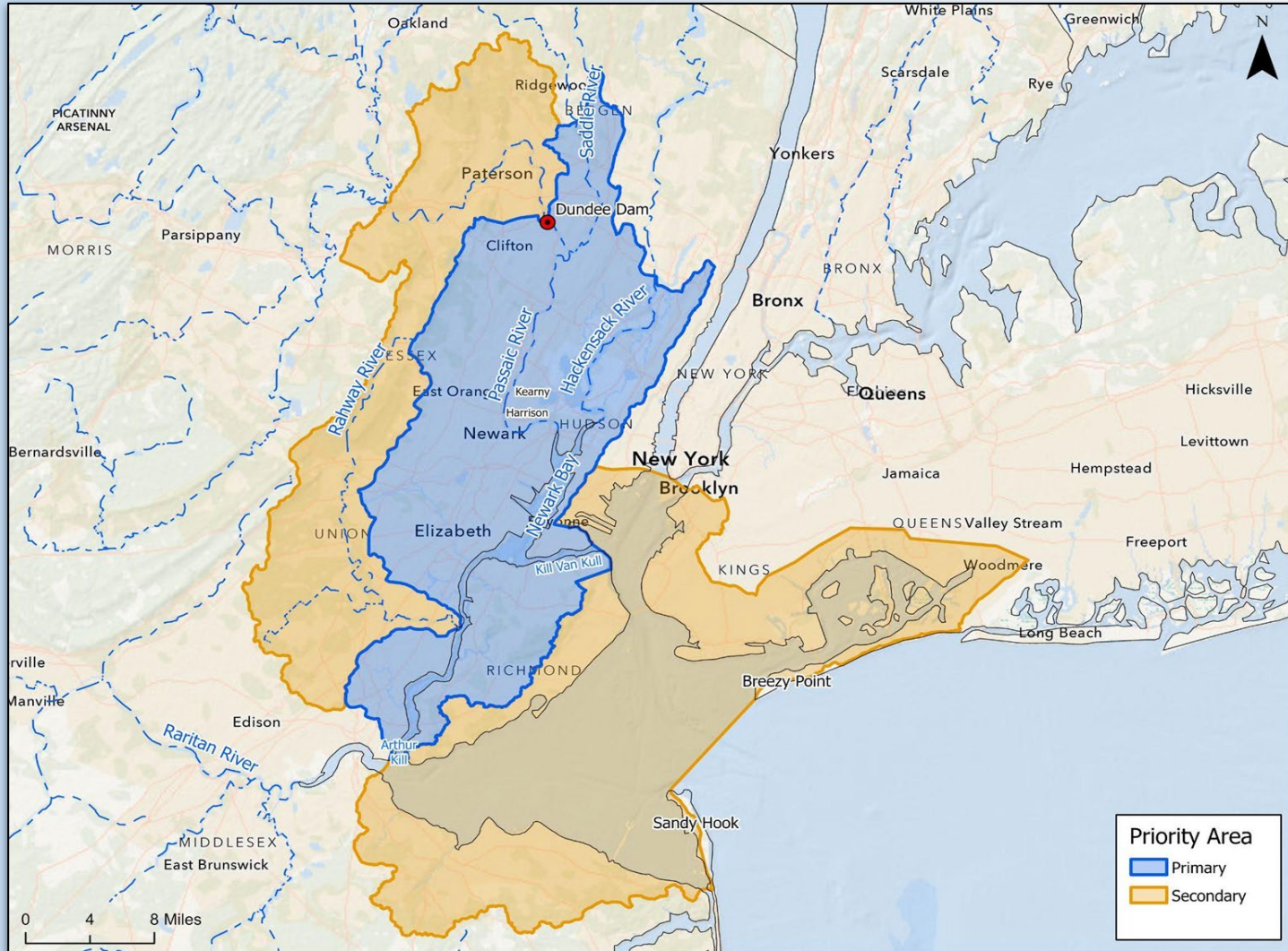
Restoration Planning



- Identifying potential projects in the region for Trustee consideration
 - Public solicitation of project ideas
 - Public meetings
 - Outreach to local communities
 - Outreach to agencies and non-governmental organizations



Where are we looking for projects?





What kinds of projects to submit? 1 of 2



- The Trustees will consider many types of projects that benefit fish, wildlife (i.e. benthos, birds), aquatic ecosystems and supporting habitats
- These include, but are not limited to:
 - Preserving, enhancing, or restoring riparian and wetland habitats
 - Streambank restoration and increasing floodplain habitat areas
 - Removing barriers to fish passage (e.g., dams, undersized culverts)
 - Enhancing native plant species and controlling invasive species



What kinds of projects to submit? 2 of 2



- These include, but are not limited to (continued):
 - Restoring habitat that also benefits recreational uses like fishing or wildlife viewing
 - Instream habitat restoration (e.g., adding natural structure, reducing channelization)
 - Restoration of shellfish and their habitats
 - Restoration of submerged aquatic vegetation (e.g., eelgrass)
 - Land acquisition, particularly if it is associated with protection and restoration of coastal estuarine habitat



How to make project suggestions



[Diamond Alkali Project Submission Portal](#)



How will projects be evaluated?

1 of 4



- **Factors from NRDAR regulations to evaluate and prioritize projects (43 CFR 11.82):**
 - Nexus (connection) to injured resources
 - Technical feasibility
 - The relationship of the expected costs of the proposed actions to the expected benefits from the restoration, rehabilitation, replacement, and/or acquisition of equivalent resources
 - Cost-effectiveness
 - The results of any actual or planned response actions

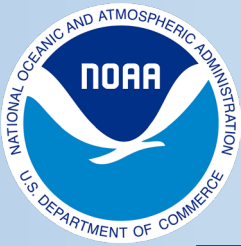


How will projects be evaluated?

2 of 4



- **Factors from NRDAR regulations to evaluate and prioritize projects (43 CFR 11.82) continued:**
 - Potential for additional injury resulting from the proposed actions, including long-term and indirect impacts, to the injured resources or other resources
 - The natural recovery period
 - Ability of the resources to recover with or without alternative actions
 - Potential effects of the action on human health and safety
 - Consistency with relevant federal, state, and tribal policies
 - Compliance with applicable federal, state, and tribal laws



How will projects be evaluated?

3 of 4



- **Additional Factors:**

- Whether or not the proposed project is otherwise required to be conducted
- Site ownership and access
- The location relative to the Superfund site
- Benefits to species of concern and sensitive habitats



How will projects be evaluated?

4 of 4



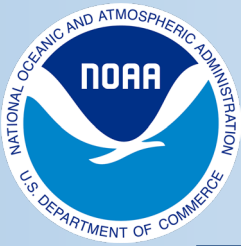
- **Additional Factors continued:**
 - Proximity to lands with protected status
 - Benefits to multiple resources or services
 - Ability of a project to leverage other funds
 - Risk of recontamination



Restoration Plan Development



- Follow up and engage with public on additional information needed for submitted projects
- Evaluation of project ideas using the restoration evaluation factors
- Develop set of preferred restoration alternatives
- Draft restoration plan and conduct environmental compliance
- Solicit public comments
- Finalize restoration plan
- Design and implement restoration project



Questions?

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NOAA Case Page

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