

NRDAR Advisory Committee
Subcommittee Four
Report to the Full Committee
March 2, 2006

- Members: Lisa Gover, Lynelle Hanson, Tom Jensen, Richard Seiler, Michael Smith, Sharmian White, and Charlie Wooley
- *“Last in line; first in commitment”*

Subcommittee 4 Charge

- *What additional measures [i.e., additional to measures cited in questions 1-3] should DOI consider to expedite planning and implementation of restoration projects and to ensure effective and efficient restoration after awards or settlements are secured?*

Preliminary Scope: Four Interrelated Categories of Inquiry

- 1. Measures to promote the use of consensus-building resources by all parties affected by an incident that causes natural resource damage;
- 2. Measures to encourage coordination and cooperation between government agencies principally responsible for clean-up and trustees;
- 3. Measures to encourage full and constructive participation by responsible parties with clean up agencies, restoration agencies and trustees, and with their activities; and
- 4. Measures to encourage flexibility and creativity in the design of settlements.

Category 1-- Measures to promote the use of consensus-building resources by all parties affected by an incident that causes natural resource damage

- Cooperative Assessments
- Dispute Resolution Resources
- NEPA Integration
- Participation Funding from DOI and Responsible Parties

Category 2 -- Measures to encourage coordination and cooperation between government agencies principally responsible for clean-up and trustees

- Involvement of trustees in clean-up deliberations
- Removal of unnecessary institutional barriers
- Consideration of other agencies' approach to working with EPA

Category 3 – *Measures to encourage full and constructive participation by responsible parties with clean up agencies, restoration agencies and trustees, and with their activities*

- DOI incentives
- Tolling arrangements and other procedures
- Executive branch integrated goal for remediation and restoration
- Portfolio of restoration opportunities

Category 4 -- *Measures to Encourage Flexibility and Creativity in Design of Settlements*

- Flexible approach to form of settlement and form of settlement process
- Emphasis on restoration metrics
- Restoration as offsetting compensation
- Recognition of differing capacities, interests
- Flexibility on administrative settlement cap

Additional Resources Needed

- Access to a diverse set of case studies of “successful” and “unsuccessful” NRD settlements
- Initially survey full Committee; Depending on the results of survey, may wish to reach outside the Committee for additional perspectives.

Discussion Needed by Full Committee

- Case Studies
- “Over-the-horizon” issues