

# Subcommittee 1

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## **November 2006 DOI FACA Meeting**

### Subcommittee Members:

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# Question 1

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*What are the best available procedures for quantifying natural resource injury on a population, habitat or ecosystem level ?*

*What guidance is appropriate for the utilization of these procedures ?*

# 2006 Calls and Meetings

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- Subcommittee Member Conference Calls  
Jan. 18,31; Feb. 23; Mar. 23; May 18; June 22; July 11,21;  
Aug. 30; Sept. 20; Oct. 13,31; Nov. 15
- Conference Calls with Consulting Firm NRDA  
Experts (6 people; April 10,13,19)
  - Six individuals total: split between Trustee and Industry
  - Written input from 2 additional experts: Tribe and Industry
- Face-to-Face Subcommittee Meeting: May 2-3

# 2006 Written Drafts

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- **Report**

- Background/Introduction
- Analysis
- Conclusions/Recommendations
- References
- Definitions

- **Analysis**

- Regulations
- Methods
- Biological Scale: Individual to Ecosystem
- Habitat
- ERA

# Observations/Conclusions

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1. *Lots of issues embedded in Question 1*
  - *Issues of scale*
  - *Relationship between injury quantification and damages*
  - *Timing of processes/procedures*
2. *Regulations NOT strictly followed*
  - *usually only serve as a guideline*

# Recommendations

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## Three Themes + 1

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1. *Flexibility*
2. *Site dependent, not predetermined*
  - *size determines scale*
3. *Guidance documents should be provided by DOI*
4. *Incorporate restoration options earlier in assessment process*<sub>6</sub>

# *Injury & Injury Quantification- Regulations Too Detailed and Dated*

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- **For injury assessment and quantification-**  
*either*

1. Amend Regulations to the allow a flexible site-specific approach to determining the level of biological scale appropriate for injury assessment

*Or, our preferred option....*

2. Sponsor updateable technical memoranda or technical guidance documents addressing this issue
  - Initial document should be prepared by team representing industry, trustees, and academia

# Biological Scale is Site Dependent

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1. *Cases usually assess potential injury to habitat*
2. *Debate Over: level of biological scale (i.e., individual, population, community, or ecosystem)*
  - *What's practicable, reliable, and reasonable to assess?*
3. *Agree site specific question; Debate: Is it ever appropriate to assess at individual level at complex/large sites ("Type B" sites)?*
4. **Primary Factors Determining Appropriate Level**
  - Cost
  - Timeliness
  - Degree of Uncertainty
  - Value of additional information to reaching resolution

# Restoration Early Consideration

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1. Regulations should promote early consideration of habitat restoration or restoration-based options in the damage assessment process.
2. *Habitat Equivalency Analysis (HEA) and Resource Equivalency Analysis (REA) are good examples of techniques that allow injury to be scaled to damages and restoration early in the damage assessment process*

# Areas of Disagreement

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1. Whether the Type B Regulations need to be changed to provide greater “flexibility” or “practicality” for injury quantification
2. Whether injury quantification at the individual level can ever be a BAP for a Type B Assessment
3. Whether SC-1 should express a view on HEA/REA
  - Is HEA/REA only a damage, not an injury, quantification methodology?