

Expedited NRDAR

Looking at ways to speed up the
NRDAR process

- NRDAR is FRUSTRATING because it seems like each case is breaking new ground and no one has done this before

- NRDAR is FACINATING because it seems like each case is breaking new ground and no one has done this before

Expedited NRDAR?

- Many NRDAR cases have PRP's that are willing to settle NRDAR liability quickly.
- Small releases have the potential for quick settlements but may not be pursued because the mechanisms aren't in place to support an expedited process
- The concepts of Expedited NRDAR are intended to facilitate discussions on creating settlement opportunities within the current framework of the NRDAR process.

* The options in this presentation are not the opinions of DOI

Expedited NRDAR?

- Allows Trustees to settle quickly in certain circumstances:
 - Small, inland, one-time release
 - Easily quantifiable injury and damages
 - Damages are less than settlement caps in CERCLA/OPA
 - Early Trustee agreement/coordination
 - Cooperative PRP
 - Pre-planned restoration options

Expedited NRDAR?

- Not a new concept
 - Type A NRDAR Assessments*
 - Cooperative Assessments
 - Individual State NRDAR models (i.e. KS, FL)

*The Type A process involves the use of a computer model to assess damages, in a standard and simplified manner, that result from chemical or oil discharges in coastal and marine environments.

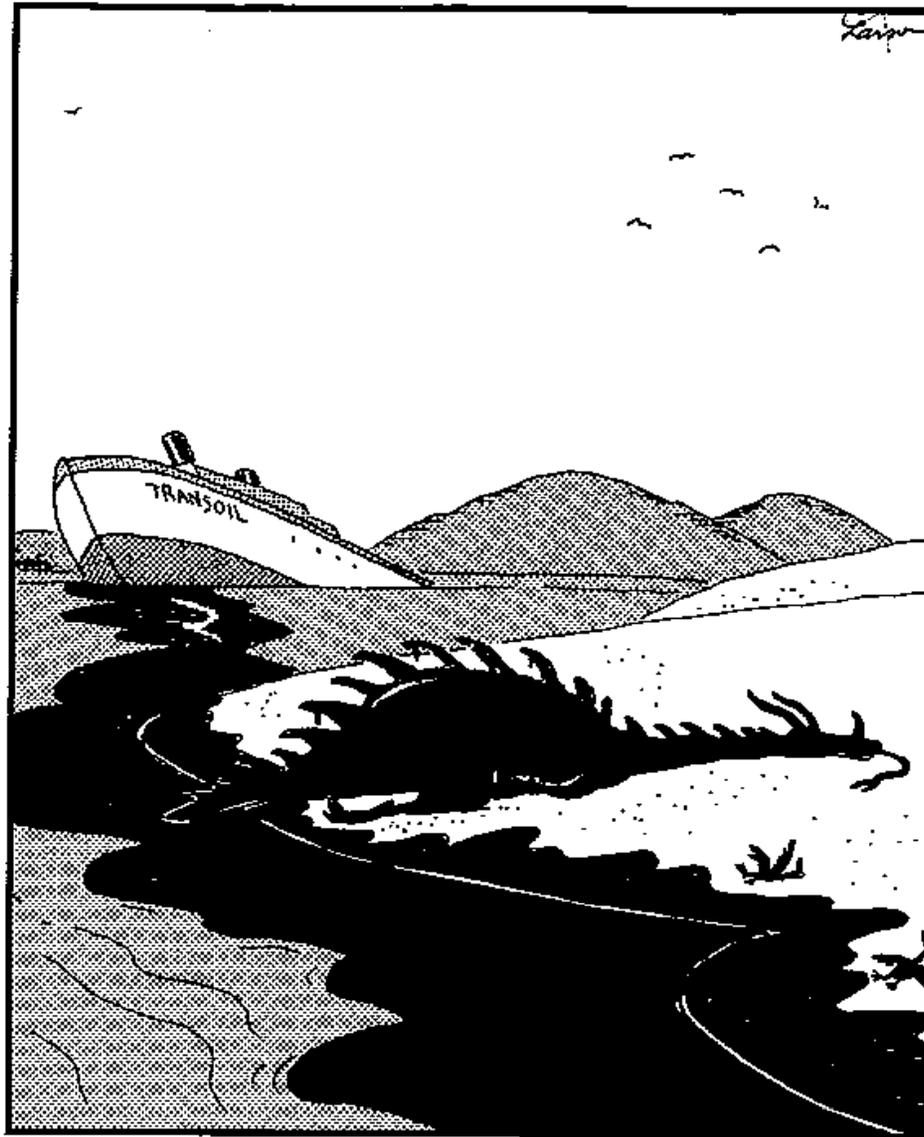
Steps in Expedited NRDAR

- Statewide MOU with co-trustees for small releases
 - General MOU with confidentiality agreement
 - Site specific MOUs could be developed, if needed

*DOI Questions:

- Can the DOI do a blanket Authorized Official for small releases?
- How will solicitors, economists, ROs deal with the increased workload?

- Co-Trustees develop “model” for injury
 - Based on amount of release, type of habitat, etc
 - Could use HEA/REA (other options exist)
 - Must be easy to use
 - If damages estimates are above CERCLA/OPA caps Expedited NRDAR doesn't apply
 - If release impacts multiple states, endangered species, NWR, National Parks etc, Expedited NRDAR doesn't apply



A tragedy occurs off the coast
of a land called Honah-Lee.

Steps in Expedited NRDAR

- **Statewide Restoration Plan**
 - Plan focuses on restoring injury to habitat based on hypothetical scenarios
 - Plan is general by design
 - Addendums for specific projects can be added if needed
- **Restoration Projects**
 - Identify potential projects early and often
 - Use GIS to identify focus areas
 - Restoration banking
 - PRP's have an alternate to cash out settlements

In Conclusion

- Expedited NRDAR would allow practitioners to settle small cases and get to restoration quicker by use new tools (i.e. restoration banking) while working within the NRDAR regulations.