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AGENDA, OVERHEADS AND HANDOUTS FROM THE NATURAL RESOURCE TRUSTEESHIP WORKSHOP HELD APRIL 12, 1994

04/12/94

DOE-FN/PUBLIC
25
HANDOUTS

5421

U.S. DEPARTMENT OF ENERGY

NATURAL RESOURCE TRUSTEESHIP WORKSHOP

April 12, 1994

The Meadowbrook

7:00 p.m. Opening

Welcome/Introductory Remarks	Gary Stegner

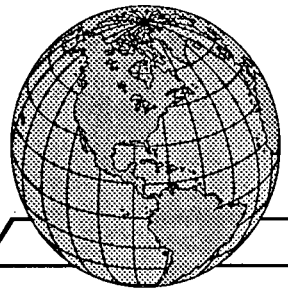
7:15 p.m. Presentations

Requirements of Trusteeships	Jennifer Mailander
The Process of Natural Resource Trusteeship	John Homer
Natural Resources at Fernald	Rebecca Bixby

8:00 p.m. Question and Answer Session

After the meeting, DOE/FERMCO staff will be available to talk with Stakeholders. An exhibit of natural resources of Fernald will be available.

(Please fill out the evaluation form and turn in before leaving. Thank You.)



Natural Resource Trusteeship Overview

- Requirements for Trusteeship
- Natural Resource Trusteeship
- Natural Resources at the FEMP Site

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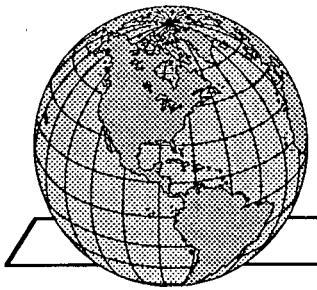


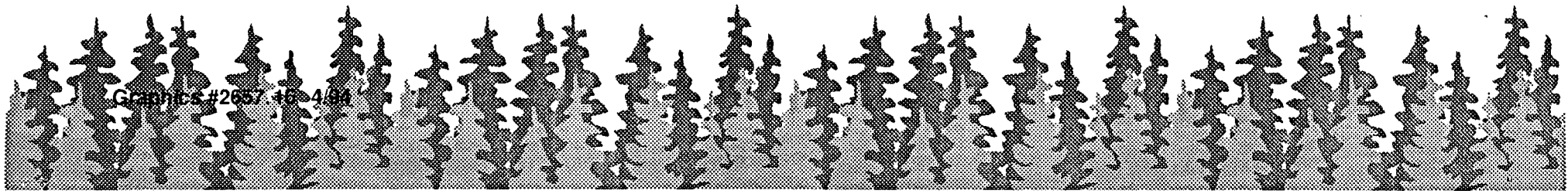
Primary Consideration

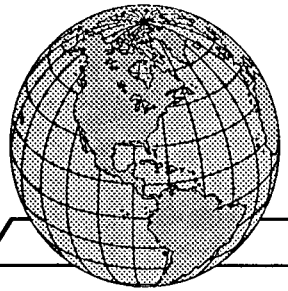
Natural Resource Trusteeship

- **Protection of public health and worker safety is the primary consideration in the RI/FS process at the Fernald site**

- **Protection of Natural Resources is part of the CERCLA evaluation process**

- **Again, remediation will be the first priority and the avoidance or mitigation of impacts to Natural Resources will follow as appropriate**





Requirements for Trusteeship

Natural Resource Trusteeship

- CERCLA §107 (a) (4) (C)
- State of Ohio v. U.S. Department of Energy, et al.

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Requirements for Trusteeship (Cont.)

- CERCLA §107 (a) (4) (C) imposes responsible party liability for the injury, destruction, or loss of Natural Resources (including the reasonable costs of assessing such injury, destruction, or loss) resulting from the release of a hazardous substance or oil spill

- CERCLA §120 extends this liability to federal facilities

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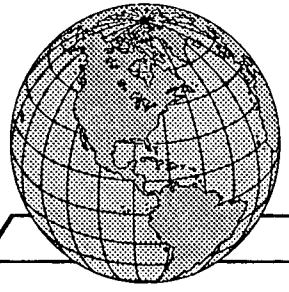

Natural Resource Damage Assessment Process (NRDA)

Natural Resource Trusteeship

- **A Natural Resource Damage Assessment is the formal process by which Natural Resource Trustees can assess dollar damages on responsible parties for injuries to Natural Resources that have not been and are not expected to be addressed by response actions**

- **43 C.F.R. Part 11 describes the NRDA process**

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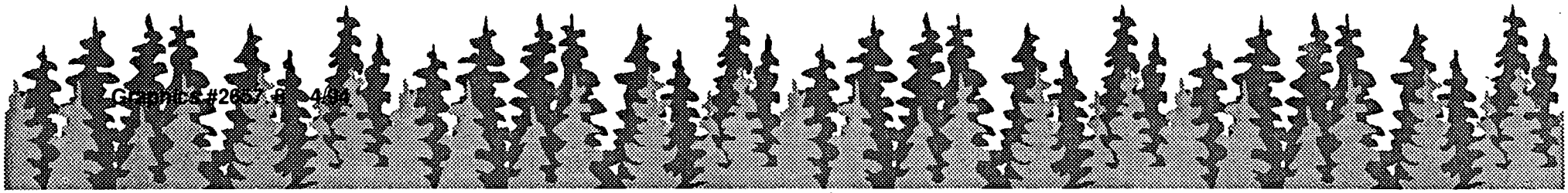
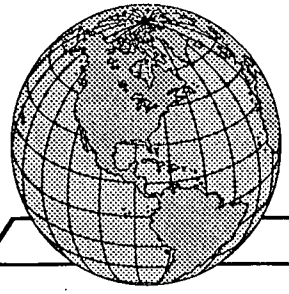
State of Ohio v. U.S. Department of Energy, et al.

Natural Resource Trusteeship

- State of Ohio 1986 Lawsuit
  - Included a claim for injury, destruction, and loss of Natural Resources

- Consent Decree between the State of Ohio and DOE - December 2, 1988
  - "Stays" the Natural Resource claim until completion of the RI/FS





Overview

Natural Resource Trusteeship

What are Natural Resources?

What is Natural Resource Trusteeship?

How is DOE working with Natural Resource Trustees?

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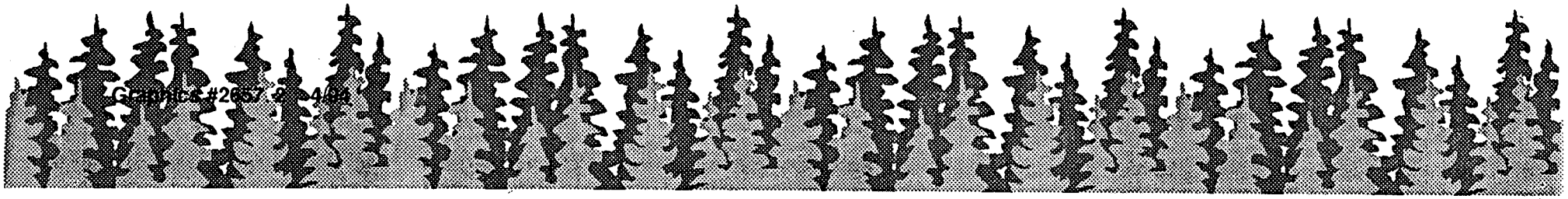
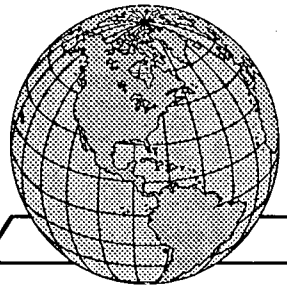
CERCLA 101(16) Defines Natural Resources as:

Natural Resource Trusteeship

"Land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to or otherwise controlled by the United States, any State or local government, any foreign government, any Indian tribe, or, if such resources are subject to a trust restriction or alienation, any member of an Indian tribe."





Designation of Federal Trustees

Natural Resource Trusteeship

- **CERCLA Section 107 (f) (2) (A):**
  Requires the President to designate Federal officials as guardians of Natural Resources

- **40 CFR 300.600 and Executive Order 12580:**
  Both designate Federal Trustees

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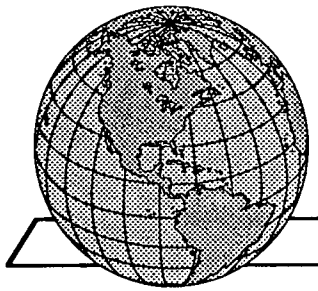
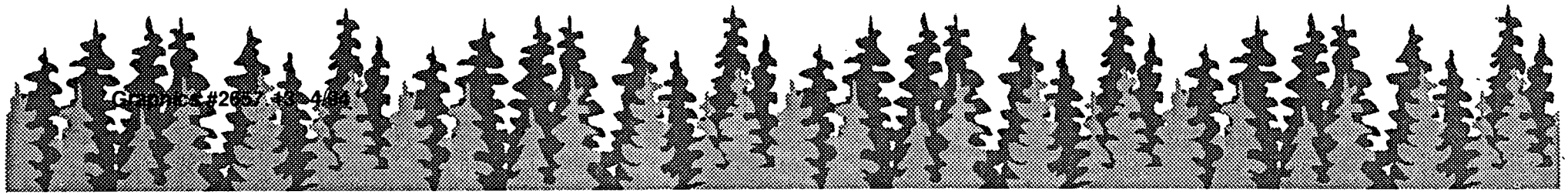


Designation of State Trustees

Natural Resource Trusteeship

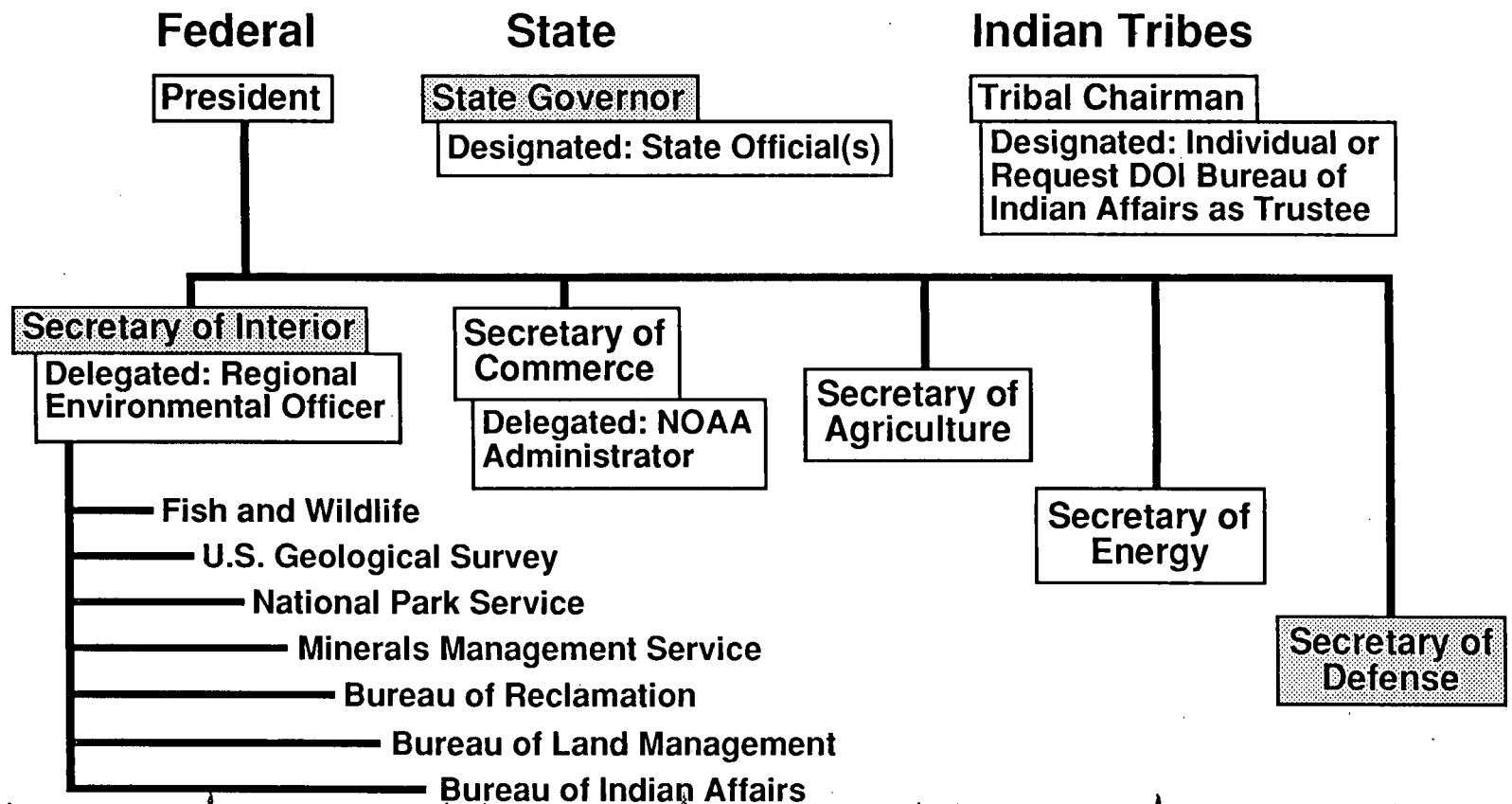
- **CERCLA Section 107 (f) (2) (B):**
  Requires the Governor of each state to designate state officials as guardians of Natural Resources

- **40 CFR 300.605:**
  Also designates the states as Trustees



Who Are Potential Natural Resource Trustees?

Natural Resource Trusteeship



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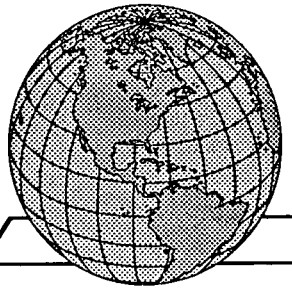


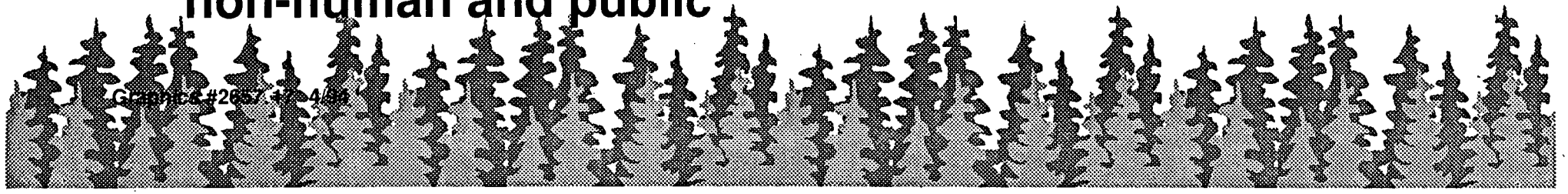
Summary

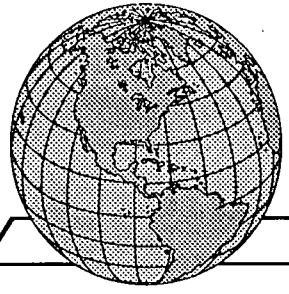
Natural Resource Trusteeship

- Trustees have been appointed to act as guardians of Natural Resources, including the Department of Interior, the Ohio Environmental Protection Agency, and the Department of Energy

- Because of the Department of Energy's dual role, it has taken the initiative to contact other Trustees and organize an orientation working session

- Natural Resources include basically everything non-human and public





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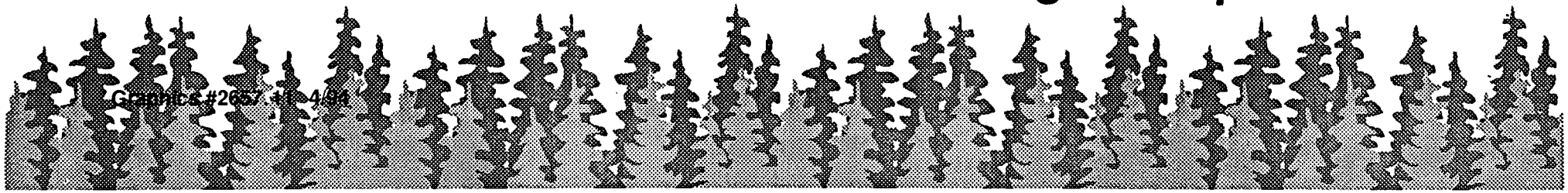
Natural Resources at the FEMP Site

Natural Resource Trusteeship

- Air
- Soil
- Surface Water
- Groundwater
- Floodplains
- Biological Resources
  - Wetlands
  - Wildlife
  - Vegetation
  - Threatened and Endangered Species



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Miami University 1986-1987

Natural Resource Trusteeship

- 85,000 organisms
- 190 different plants
- 98 different birds
- 47 tree species
- 10 amphibians & reptiles
- 8 mammals

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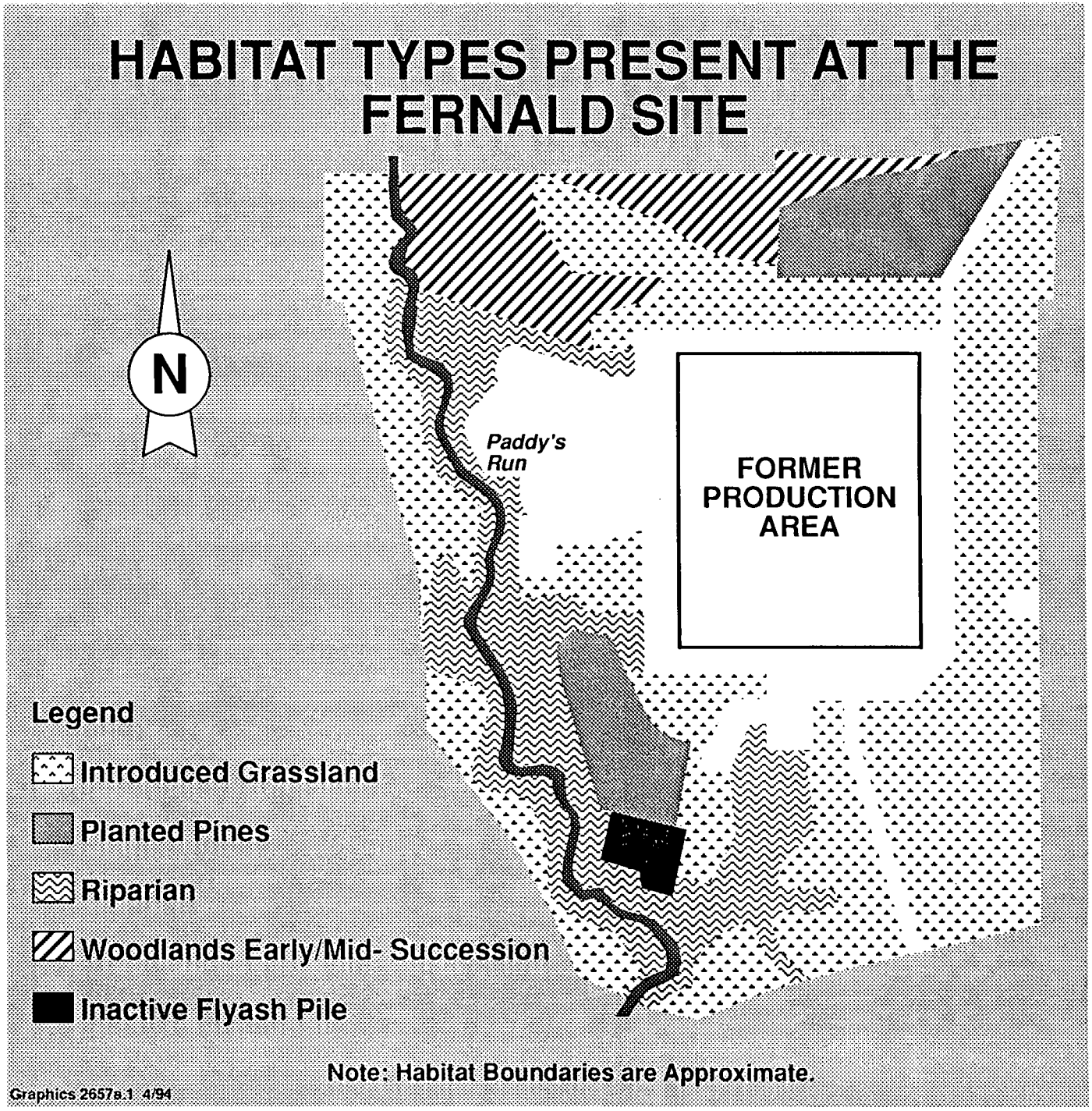
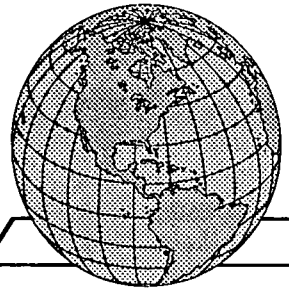
HABITAT TYPES PRESENT AT THE FERNALD SITE





Natural Resource Management Activities

Natural Resource Trusteeship

- **Natural Resource Management Plan**
- **Wildlife Enhancement Team (WET)**
- **Wetland Delineation**
- **Threatened and Endangered Species**
- **Fernald Citizens Task Force**

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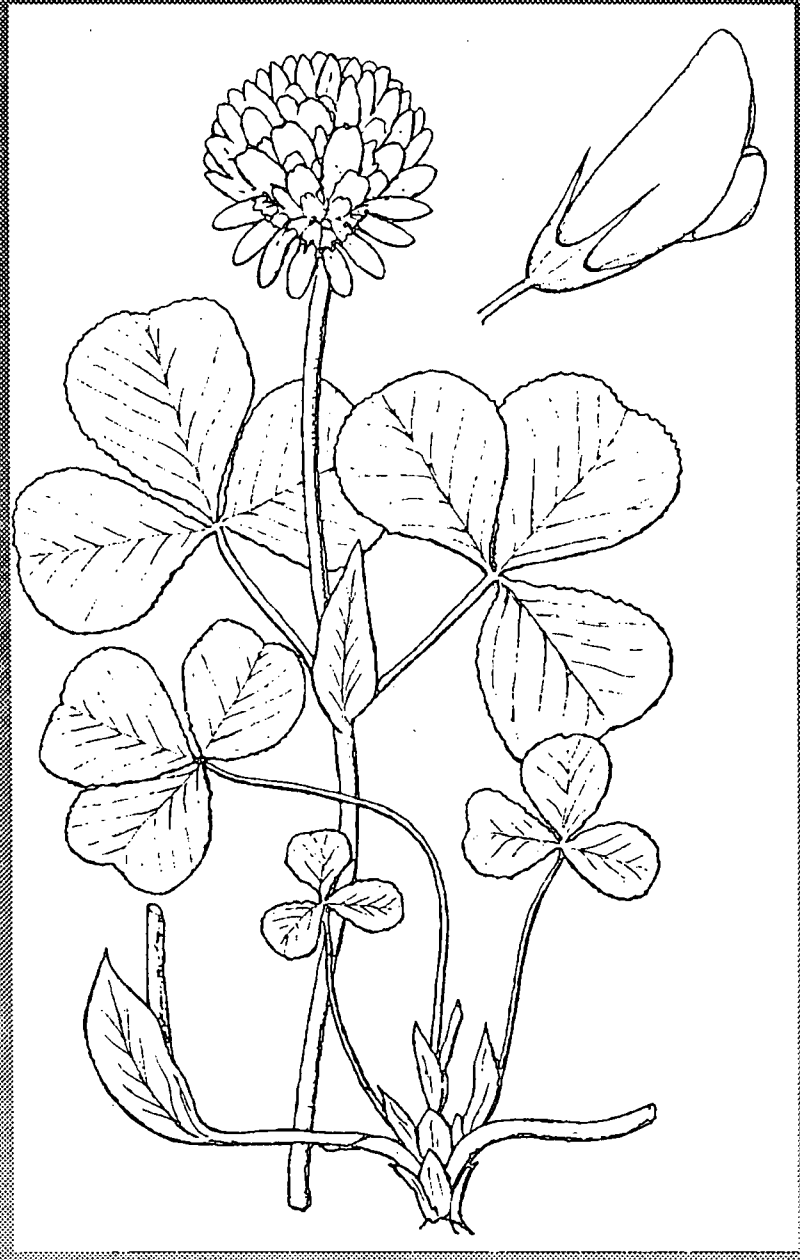
Indiana Bat
Federally endangered

Running "Buffalo" Clover
Federally endangered



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Cave Salamander
State endangered

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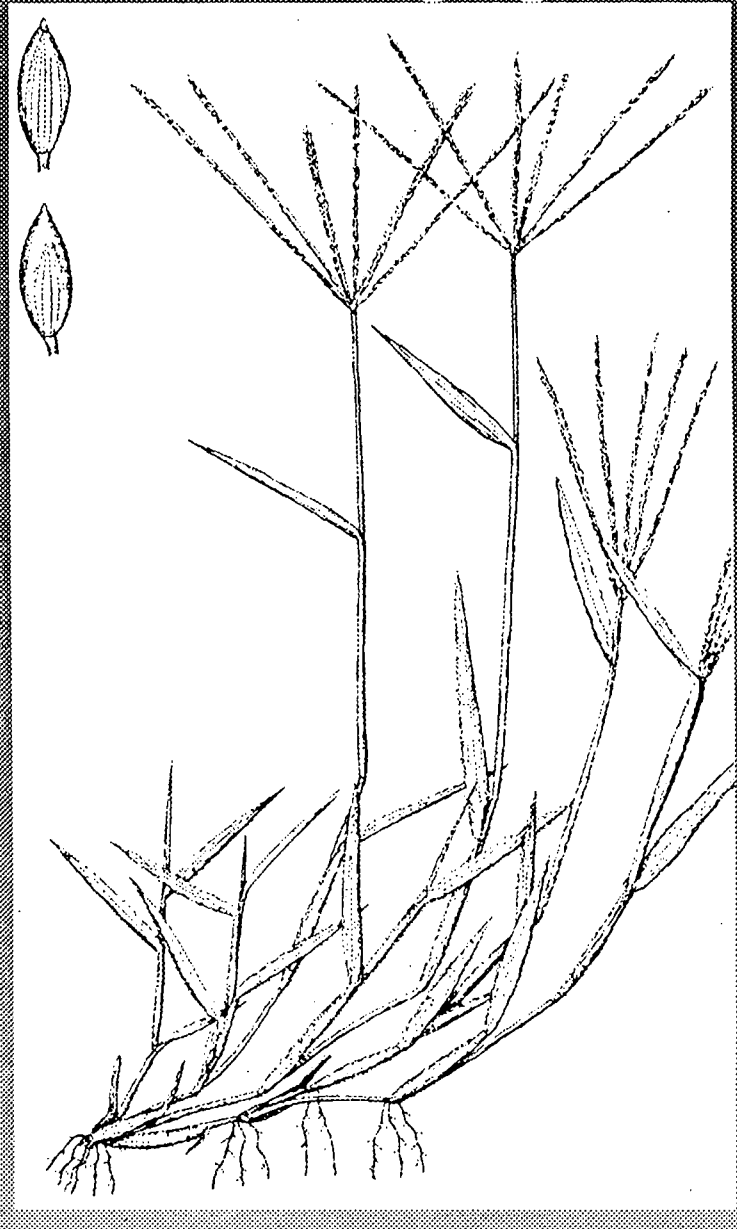
State endangered

Mountain Bindweed

Slender Fingergrass



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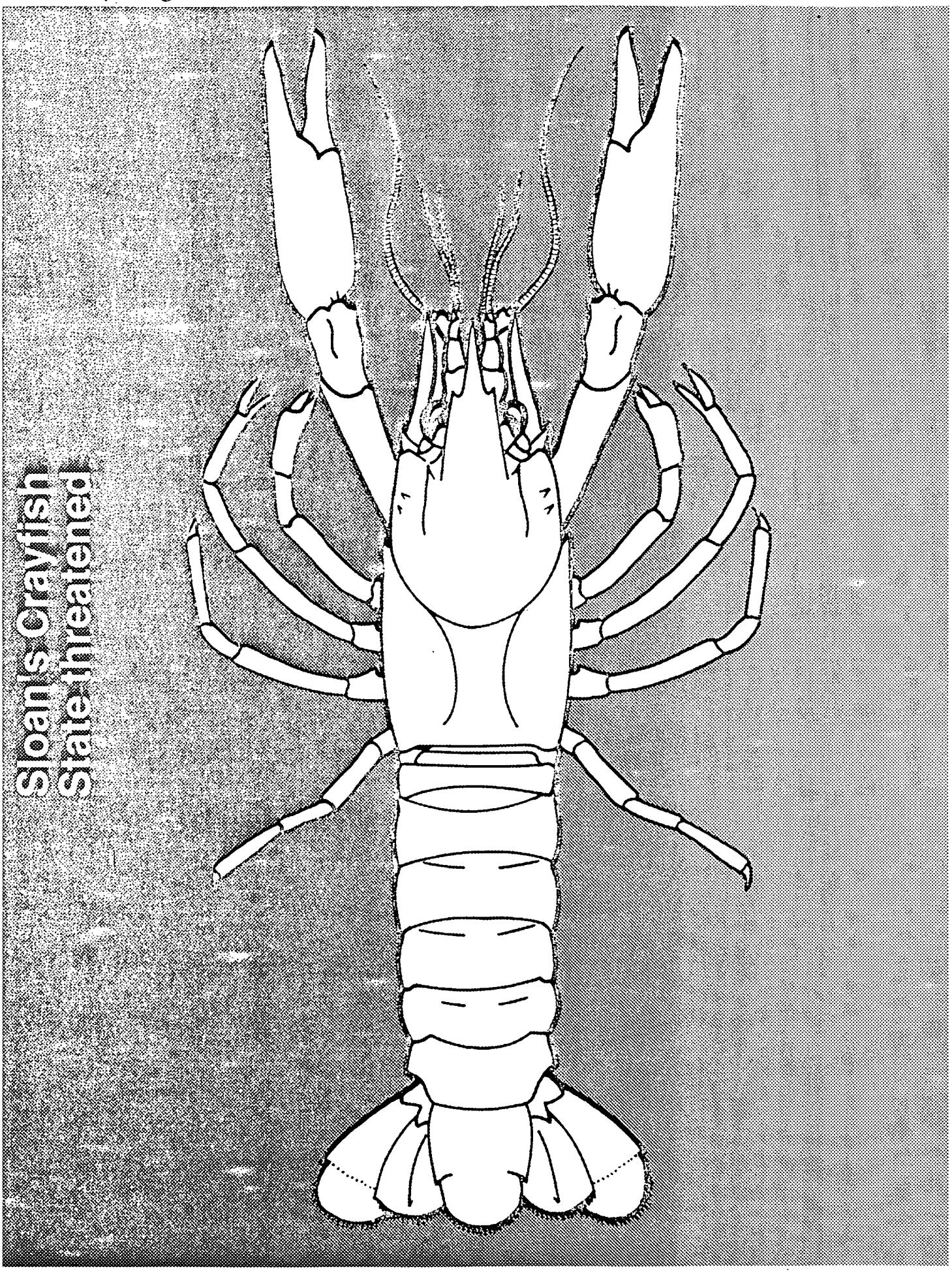
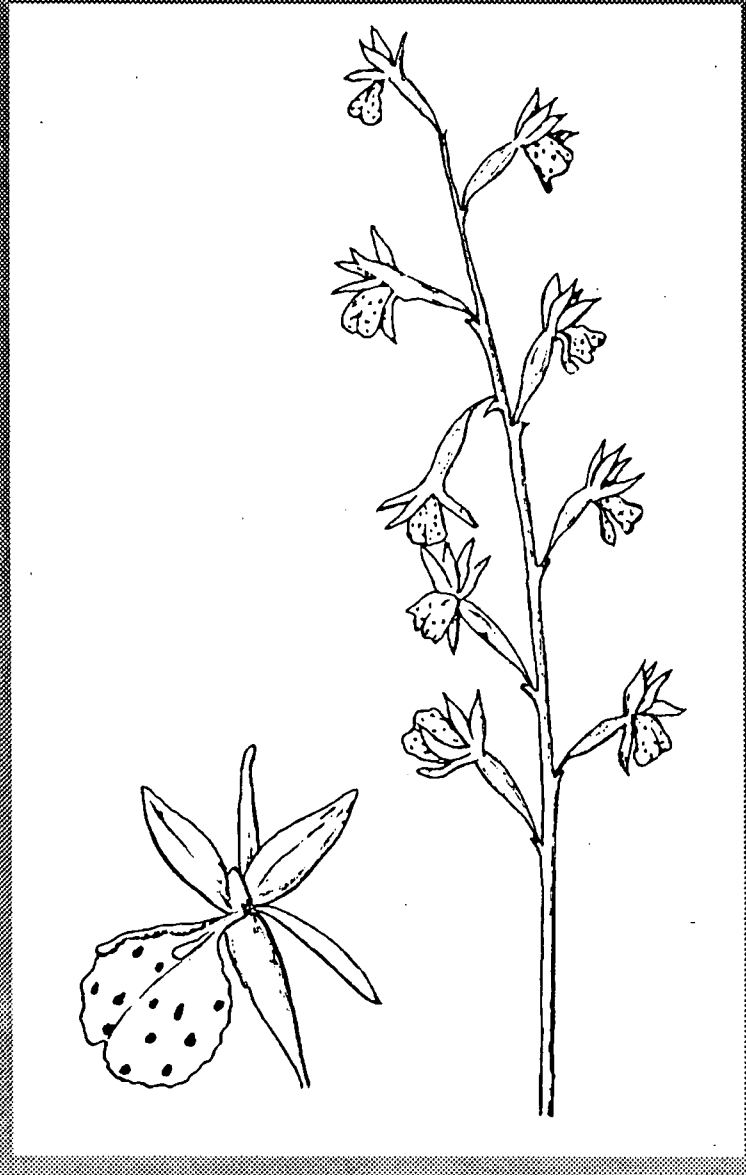


Sloans Crayfish
State Threatened

Spring Coral-Root
State endangered



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Natural Resource Trusteeship Workshop

April 12, 1994

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EVALUATION

Thank you for attending the meeting to discuss trusteeship issues at the Fernald site. Please take a few moments to answer the questions below:

1. Was the presentation on Natural Resource Trusteeship presented at a suitable level of knowledge for this audience?

2. Was the presentation too long? too short?

3. Did the presenter(s) explain in simple language and enough detail the information/materials they used?

4. Were questions adequately answered throughout the meeting?

5. What would be the most beneficial and convenient means of communicating trusteeship issues to you in the future?

   Workshops_____ FRESH updates_____ *Cleanup Report*_____

   Other_____

6. Do you have any other constructive comment/criticism about tonight's meeting?

OPTIONAL

Name_____ Phone_____