

**Great Lakes Regional NRDA Workshop**  
**November 1- 3, 2005**  
**Doubletree Suites, 198 E. Delaware Place**  
**Chicago, Illinois 60611**  
**Final Report**

At the 2004 National Cooperative Damage Assessment Workshop, trustee and industry (or Potentially Responsible Party/PRP) participants expressed great interest in continuing the dialogue on damage assessment in regional settings across the country. In response, there was a commitment to organize a series of regional workshops in 2005. The objective of these workshops is to allow practitioners to explore ways to improve efficiency and coordination while also reducing conflict and confrontation in natural damage assessment and restoration (NRDA or NRD) cases. Ultimately, these workshops are intended to be stepping stones to future discussions on damage assessment practice outside the context of cases.

The Great Lakes Regional Workshop ([see \*Workshop Agenda and Participants List\*](#)) follows the first in this series of regional workshops, a workshop for practitioners from the Southeast/Gulf Region, held in April, 2005 in Savannah, Georgia. The workshop brought together approximately one-hundred regional representatives from government trustees (Federal/state/Indian tribal), industry, and response agencies.

### **Pre-Meeting – November 1**

#### **“NRDA 101” - Discussion and Q&A Session**

Participant feedback from the Southeast/Gulf Regional Workshop clearly indicated a need for basic NRDA education. With this need in mind, the evening before the workshop began, an optional session was hosted for NRDA practitioners interested in learning about and discussing the elements of the NRDA process ([See \*NRD 101 Basics Presentation and NRD 101 Basics References, and NRD 101 Restoration Scaling Presentation and NRD 101 Restoration Scaling Bibliography\*](#))

Marlana Valdez of Organizational Learning Associates, one of the workshop facilitators, opened the session by providing the background and goals for the workshop and this session. Colette Charbonneau and Lisa Williams of the U.S. Fish and Wildlife Service and Jennifer Lawton of ENVIRON International Corp. hosted the basic NRD 101 session. Eric English of National Oceanic and Atmospheric Administration hosted the Restoration Scaling session. ([See \*biographies for Colette Charbonneau, Lisa Williams, Jennifer Lawton, and Eric English\*](#))

Approximately 40% of the workshop participants attended this session.

*Questions and Answers Regarding the NRD 101 Course follow:*

- Q DOD is one of the Federal trustees. Where are DOD claims?  
A DOD is a trustee and PRP over lands it owns. One site is the Oakridge facility.

- Q How is DOD treated relative to a claim?  
A Federal trustees can not bring an action against another Federal entity; however, state trustees can bring actions against Federal agencies. Additionally, there may be other mechanisms to influence actions of Federal entities that are both a trustee and PRP (e.g., DOD and DOE).
- Q Has any case been settled in the region involving DOD or DOE?  
A Not yet.
- Q Are there any examples of private claims?  
A Rouge River in Michigan.
- Q What is the status of local municipalities?  
A Local municipalities may act as trustees if so designated by the Governor of that state.
- Q How far back in time can or will trustees proceed to address natural resource injuries?  
A It depends on such considerations as whether damages are separable, the date of enactment of statute, tradeoffs in terms of whether actions practically get to the question of what can be restored, etc.
- Q When is the pathway determination made?  
A During the assessment phase.
- Q For cooperative assessments, where does funding come from to ensure success?  
A From all parties to the extent available, including PRPs.
- Q How do trustees address past costs?  
A Past costs are recoverable from PRPs; however, some trustees (states in particular circumstances) may forego past costs for expedited settlements.
- Q What is the status of DOI's CERCLA regulations biennial review?  
A This question addressed by Robin Burr of DOI on the 2<sup>nd</sup> day of the workshop.
- Q What is the latest thinking respecting statutes of limitation (SOL)?  
A SOL is dependent on response actions and date of discovery. There is some case law that speaks to this issue (refer to NRD 101 bibliography); however, in short, SOL determinations are very case specific.
- Q Which regulations do you use in the case of commingled releases?  
A DOI's CERCLA regulations.
- Q Regarding the Habitat Services Flow graph, where does remediation fit?  
A Remedial actions accelerate the return to baseline.
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Q Regarding the Habitat Services Flow graph, where does remediation fit?

A Remedial actions accelerate the return to baseline.

Q When discounting through time, how can you apply money to services?

A People routinely make tradeoffs between money and environmental services, so the two can be treated in a similar way, at least in the short term.

Q When using focus groups to acquire public feedback, do you use any sensitivity analysis?

A Yes. Additionally, people are provided different scenarios to flesh choices and minimize contradictions.

Q How do you know the public is sufficiently familiar with the topic?

A This is always a difficult issue. It is ideal to educate the public, which can be achieved by adequately describing the issues that biologists know and developing a degree of public understanding.

Q How do you control for biases in stated choice methods?

A One approach is to compare to other methods of valuing resources; that is, are we getting the same or comparable responses.

Q Relative to recreational fishing losses, what if the public doesn't want to fish anywhere else other than where the impact is found? Is there a real loss? How do you measure a loss, whether it exists or not?

A There is a diminished loss, which can be measured through stated preference methods. The loss is diminished value over time that can be applied to recreational activity. An example is the application of the value-to-cost method in Lavaca Bay, TX. This case involved lost value from contamination to increase access for boat ramps.

Marlana Valdez closed this evening session by underscoring the need for and usefulness of NRDA education. She thanked all the attendees at the session.

## **Day 1 – November 2**

### **Workshop Introduction**

### **Workshop Goals and Agenda**

### **Interview Themes**

Marlana Valdez and Iris Ioffreda of Organizational Learning Associates opened the 2-day workshop by highlighting the workshop goals and themes. Participants were asked to introduce themselves and their affiliations.

Marlana emphasized that while the genesis of these regional workshops was the San Diego Cooperative Assessment Workshop, the focus of the regional workshops is to

discuss the breadth of issues involving NRDA, not just cooperative approaches. Then she explained the objectives of this workshop:

- To provide regional practitioners with an opportunity to focus on issues and challenges pertinent to the region, including discussion of respective stakeholder interests
- For participants to explore creative solutions to problems and identify opportunities to improve the response and NRDA process
- For participants to discuss how affected parties might enhance their interaction and coordination, effectively addressing challenges and opportunities
- To develop and improve working relationships among practitioners in the region from various stakeholder groups
- To bridge the gap between less experienced and experienced practitioners

Marlana presented background information on the workshop. Twelve participants from different sectors were interviewed to determine how best to make the workshop relevant and instrumental in moving the NRDA process forward. The interview data was broken down into themes as follows:

#### Resource Issues

- There are significant resource problems within the region (staff, money)
- How can we increase the resources available to enhance NRDA practice?

#### Lack of Clarity Regarding Roles

- Confusion about how trustees decide to assert jurisdiction, including how NOAA gains jurisdiction over some of these cases
- Lack of clarity regarding EPA's operational procedures and timelines
- Questions about how much flexibility exists in the procedure, particularly for DOI/F&W. Their procedures often seem inflexible
- Questions about how RPs are chosen for a particular site. Why are some PRPs asked to participate in the case and others aren't?
- Little information exists about who does what in the various states

#### Science

- Concern about measuring resource loss – human, cultural, natural. How accurate do measures need to be when working toward settlement?
- Questions about what damage measurement processes are scientifically reliable

#### Unique Characteristics of Great Lakes Region

- Large numbers of recreational harbors, rivers
- Commercial waterways
- Strong F&W presence

### What Interviewees Wanted at the Workshop

1. Specific tools for improving NRDA. No broad brush strokes but specific information on what has worked and what hasn't. "We tried this; we tried that."
2. Sharing of ideas among states with nascent NRDA programs, particularly how to elevate the status of their programs and increase staff, funding and other resources
3. To meet counterparts from other states, and NRDA representatives for federal and tribal trustees and industry; to have opportunities for networking
4. To gain clarity about how federal agencies operate
5. To discuss ideas about how to move focus from cleanup to restoration or better integrate remediation and restoration

Marlana explained how the workshop was designed to meet the objectives of those interviewed. Then she discussed the fact that the number of registrants for the workshop had far surpassed organizers' expectations, and that this was indicative of the very strong level of interest in these issues in the region. She suggested that each participant had a specific "learning agenda" or something s/he wanted to accomplish at the workshop and asked participants to discuss what they wanted to gain from the workshop at their tables.

Following this informal discussion, several participants offered their individual goals for the workshop:

- Opportunity to network and understand other experiences
- Determine what cooperative assessment really means
- Desire to consider alternative approaches
- Meet other practitioners
- Determine whether industry is truly interested in cooperative assessment. One person noted that industry is not monolithic; thus some companies are ready to entertain cooperative assessments, some are not
- Since state trustees are approaching NRDA differently, there is a desire to coordinate state and Federal (trustee and response) processes for a more unified approach.

Iris discussed various resources available to workshop participants, including biographies and presentations as well as contact and status information for state trustee programs. (See [State Trustee Efforts](#)) Iris indicated that there would be sufficient Q&A time available to voice or write down questions for the speakers as well as to meet and greet fellow practitioners. She outlined the roles and responsibilities of the small group facilitators. (See [Small Group Leader Guidelines](#))

Iris set the ground rules for the workshop, requesting that participants follow the ground rules to encourage open, honest dialogue:

- Be present and engaged, participate fully
- Open and respectful dialogue
  - Listen
  - Speak honestly
  - It's OK to disagree.
- No attribution – all affiliations left at the door
- In terms of discussions – refrain from discussing case or site sensitive issues. Reference specific cases and past case approaches only when doing so will further the audience's understanding
- Refrain from solicitations or marketing of products and services.

Iris ended the introduction by speaking to various safety and logistics issues, after which she introduced the Keynote speaker -- Charlie Wooley, Deputy Regional Director, U.S. Fish and Wildlife Service, Region 3, Great Lakes-Big Rivers Region.

### **Workshop Introduction/Keynote Address**

Charlie Wooley of the U.S. Fish and Wildlife Service opened the meeting. ([See \*Charlie Wooley's Presentation and Biography\*](#)) Charlie discussed the assets that could be brought to bear in a region that faces substantial challenges to one of the widest array of natural resources and services, perhaps more diverse than anywhere in the United States. He talked of USFWS' efforts to address refuges, endangered species, fish and wildlife as well as migratory birds and associated supporting ecosystems. He talked of addressing the Great Lakes Areas of Concern affected by erosion, invasive species, and contaminated sediments among other ills. The Great Lakes is unique in that there has been an incredible amount of attention to these AOCs, for which there is a wealth of data that can be used to jumpstart NRDA's.

Charlie highlighted the desire to strengthen cooperation and relationships with all partners (including industry). He said that a sound and successful working relationship has been established in a number of cases, and there has been progress on the ground. Most notably, he highlighted progress in such cases as: Fox River/Green Bay, St. Louis Bay/River, Grand Calumet River, Ashtabula River, and Saginaw River and Bay.

Charlie underscored that Cooperative Conservation is the hallmark of The U.S. Department of the Interior and the U.S. Fish and Wildlife Service. The Service works cooperatively with partners toward restoration-based, global settlements through existing regulatory frameworks. Thus far, DOI has not been involved any NRDA litigation in the Great Lakes region.

The trustees have an obligation to the public to protect and maintain natural resources and their services using a transparent process that treats the public in a fair and

equitable manner. The public in this region is very interested in the health of the Great Lakes, so public participation in cases is often significant

### **Stakeholder Perspectives on NRDA Issues**

The morning's panel discussions focused on response and NRDA concerns from the perspectives of the various stakeholders involved in a site. Panelists representing industry, trustees, and the response community were asked to address the following questions:

1. What challenges and opportunities does each stakeholder group confront in working with a site? That is, what does each stakeholder group need to understand about other stakeholder groups involved in the site?
2. To ensure a productive outcome, what does each stakeholder need from the others involved in the site?
3. Similarly, what can each stakeholder offer to others involved in the site?
4. How might we improve the response and NRDA process?

Marlana Valdez outlined these four questions and introduced the panelists.

#### ***Panel 1: Industry/Insurance Perspectives***

Barbara J. Goldsmith, President of Barbara J. Goldsmith & Company began the panel presentation. (See [Barbara Goldsmith's Presentation and Biography](#)) Barbara is Director of the Ad-Hoc Industry Natural Resource Damage Group, a multi-sector group of companies since 1988.

Barbara noted that we have made great strides in NRDA. When we talk of settlement these days, it is less often in solely monetary terms; instead settlements often include provisions such as performance of restoration activities or land exchange/acquisition ("horse trading"). She noted various venues that could be used to address NRDA concerns.

Barbara spoke of what NRDA means for industry in general and the opportunities that we can collectively exercise. This is especially important in a region that, as Charlie Wooley emphasized, is quite unique. In an effort to move NRDA cases forward, she stressed, among other things, the need to have a common goal, develop clear measures of success, share relevant information, continue to have an open dialogue (through various forums), and be creative so that industry can have greater certainty in addressing their liability. Barbara expressed the desire to have a unified and integrated process across government stakeholders that recognizes the concept of fundamental fairness to industry. Further, she indicated that there are various resources that industry could bring to bear to leverage a successful restoration outcome. As we continue to proceed and make progress, Barbara suggested that there is a need to reevaluate our efforts with the intent of further improving response and NRDA efforts.

Rees Madsen, Senior Environmental Consultant with BP, followed Barbara. ([See Rees Madsen's Presentation and Biography](#)) on how to achieve restoration more effectively. Rees spoke to issues and possible solutions reflecting a range of experiences and groups within BP.

Rees said that BP feels it needs to stay engaged in NRDA and supports the NRDA goal of restoring the public's trust resources. BP supports cooperative assessments but not all PRPs are ready to entertain a more cooperative stance.

BP, however, has concerns with the NRDA process often taking too long, often costing too much money, and implementation varying widely nationally -- observations made by Barbara as well. The variation in practice creates uncertainty for industry and PRPs in general. Rees noted that when assessing damages, anecdotal evidence has no place; that one must use sound science and good judgment. He noted that non-use value continues to be an issue, providing two examples focusing on groundwater that are problematic. Relative to restoration, Rees emphasized the need to coordinate restoration with response efforts and to consider alternatives to on-site restoration where such direct restoration is infeasible or otherwise does not make practical sense. Rees highlighted examples of alternative restoration opportunities.

Emphasizing some of the observations made by Barbara, Rees noted the need to explore greater efficiencies, and apply best practices (the OPA rule has driven this in oil spills). Rees identified a number of potential NRDA solutions to address the issues, including appropriately defining injury, developing effective restoration options to include replacement or acquisition options, improving assessment efficiency, identifying and applying best practices nationwide, and improving cooperative assessment guidance and procedures.

Gregory (Greg) Schilz, Managing Director of Breitstone and Co. Ltd., was the final panelist of this session. ([See Greg Schilz's Presentation and Biography](#)) Breitstone serves as an insurance broker middleman working on behalf of companies to achieve optimal insurance policies.

Greg indicated that environmental insurance is successfully used in environmental settings but not yet used in NRDA, although it is being considered in some NRDA contexts. He spoke about how insurance companies look at NRDA risks, how they interact with various stakeholders, and what the insurance companies need to know to underwrite policies. As food for thought, Greg noted that insurance can't guarantee the fish will come, but can financially guarantee the services that are required to support the habitat (i.e. shade, water flow, food source, shelter).

Greg underscored the importance of insurance carriers as part of the stakeholder settlement discussions because insurers can, among other benefits, provide certainty by addressing risks, providing consistency, aligning interests, and reducing transaction costs. Greg went through the process of risk identification that insurance carriers must undertake as the first step in the process before issuing specific insurance products. As part of the underwriting process, insurance carriers must review restoration and associated plans and relevant environmental data, and ensure that the affected

stakeholders have approved the intended restoration projects. Greg also identified the types and nuances of various insurance products that may be available in different environmental realms, focusing on the Remediation Cost Cap and Pollution Legal Liability.

Greg summed up his talk by highlighting that project success is dependent on the skills of the people involved and a serious commitment of time and effort.

#### *Questions and Answers:*

- Q (Barbara) – You spoke of providing industry incentives and that some incentives were not appropriate. Please expand (referring to the New Jersey experience).
- A New Jersey is a separate category and perhaps not the best example of providing useful incentives. The notion of using a big stick and using lawyers on contingency are concerns that counter industry cooperation.
- Q (Rees) – You stated that NRDA should not address non-use values; for example, past extraction of groundwater. What is your perspective on the use of future extraction of groundwater?
- A As with the fact that there is no validation of past, real use, the idea of predicting use in the future is equally problematic. Until there is an opportunity for folks to collectively determine the basis of current and future use using valid information, non-use values will be difficult to measure in general.
- Q (Greg) – When do you see insurance applied? For assessments, restoration projects, etc.?
- A It depends on the types of policies. Different policies will respond to different aspects of NRDA issues.
- Q (Greg) – What is the impact of the Sarbanes-Oxley Act relative to cost implications for companies?
- A The Sarbanes-Oxley Act is definitely driving more interest for companies. Companies are exploring how to place caps on environmental damages.

Comment - Can we come to terms on how to define cooperative assessments in this workshop?

#### ***Panel 2: Trustees Perspectives***

Doug Cox, an Environmental Specialist with The Menominee Tribe, began the panel discussion. ([See \*Doug Cox's Presentation and Biography\*](#)) Doug was invited to speak on behalf of Indian tribal concerns.

Doug spoke about The Menominee Nation's participation in the Fox River NRDA and some of the challenges and opportunities that have resulted from being stakeholders active in this process. He discussed four items of note when engaging Indian tribal stakeholders: taking the effort to understand tribal relations and sensitivities,

appreciating the value of historic and cultural resources, recognizing the need to exchange information (upfront, in the initial stages of the assessment), and acknowledging the sovereignty of the tribes.

Doug described the history of the Menominee Tribe, citing its oral history, the Menominee Creation Story, Menominee legends and elders, the tribe's substantial geographical scope and practices, and relevant treaty language. This and other information was also relayed as part of the Fox River case to correct misperceptions on the part of other stakeholders. For example, the Menominee were hunters, fisherman, and gatherers. Tribal elders speak of this as the way of life, of existence - not referring to it as subsistence.

Doug stressed that the overriding goal of all stakeholders in NRDA is reflected by the Menominee Nation (and other tribal entities); that is, the focus on restoration of the resources. In the Fox River case, the effort to accomplish restoration of the resources was long in the making but the benefits realized are well worth it, especially to the sites the Menominee have focused on. Factors that represent the largest factors to tribal concerns include maintaining the landscape as well as its cultural and religious values.

James Smith, Senior Environmental Manager and NRD Coordinator for the State of Indiana Department of Environmental Management, was next on the panel ([See Jim Smith's Presentation and Biography](#)) Jim provided an overview of state trustee perspectives.

While much of his time was spent on state trustee programmatic efforts in the Great Lakes ([also see State Trustee Efforts](#)), his presentation addressed the issues facing state trustees in the region. In particular, Jim listed the issues that trustees need to better understand about other stakeholders as well as themselves. He further described how trustees can leverage resources among themselves and other stakeholders. Jim underscored the benefits to integrating response and restoration. Finally, he provided insight on how to improve the response and NRDA process. He explained that we could improve these processes if industry (or PRPs in general) would recognize and accept their liability, the remedial agencies would accept NRDA trustees as legitimate stakeholders and involve them early in the response process, and the NRDA trustees would accept their responsibilities and be willing to work with all stakeholders at a site.

Lisa Williams of the U.S. Fish and Wildlife Service closed the trustee panel discussion ([See Lisa William's Presentation and Biography](#))

Lisa more fully described the Service's programs, its trust resources, the types of contaminants it addresses, and the kinds of resources the Service could offer. She highlighted a number of significant partnerships that serve to leverage agency resources. Lisa discussed a suite of issues and opportunities that face NRDA practitioners. In brief, the Service in particular is guided by the NRDA rules that emphasize coordination, legal considerations, a reasonable approach, credible science, appropriate restoration, and restored resources. The Service prefers to partner with others to leverage success. For success, stakeholders need to communicate early and often.

In addressing how the response and NRDA processes could be improved, Lisa mentioned the need to continue to move toward early involvement of trustees in RI/FS stages. She also suggested that we recognize the needs and scope of EPA's Biological Technical Assistance Groups (BTAGs) relative to response and restoration concerns, consider developing a purpose statement for negotiations with response agencies, and recognize that response and restoration activities will occur within a larger community of activities. Finally, Lisa recommended that practitioners improve agreement mechanisms for solutions that efficiently integrate response and restoration, and noted that the best global solution may include response elements qualitatively different from what might have been the "best" stand-alone response action (but would have had greater NRD consequences).

*Questions and Answers:*

Q When should a trustee council be established and who?

A (Lisa) – As soon as possible. Establishing councils depends on which agencies' resources may be impacted, who has the ability and experience, and other factors.

Q When should PRPs participate in a cooperative assessment?

A (Jim) – On the first day. Once the decision to proceed with a cooperative assessment is made, it should be possible to get together and set up agreements to establish relationships, e.g., through MOUs or other mechanisms.

Q How can we determine injury for resources or contaminants for which there are no standards?

A (Lisa) – The rules provide guidance for criteria to consider, guidance on what constitutes injury, etc. You may be required to conduct specific studies or parties may agree to use literature to determine injury thresholds.

Q How do you integrate baseline?

A (Jim and Lisa) – Baseline is defined in the NRDA rules. The challenge lies in industrial sites with complicated releases – establishing baseline in these situations is difficult. Possible solutions include looking at regional comparisons (references); that is, whether we can develop a model in a regional perspective. There is no one answer as there is always some variability and always some contention. Moreover, you may want to establish baseline for different resources or sites using different reference areas.

***Panel 3: Response Agency Perspectives***

Christopher (Chris) Abrams, Acting Chief of the Natural Resource Damage Claims Division within the National Pollution Funds Center (NPFC) of the U.S. Coast Guard spoke first respecting oil spill incidents. ([See \*Chris Abrams' Presentation and Biography\*](#)) Chris provided an overview of how his group was established, how they fit into the oil spill response and NRDA process, and the kind and breadth of spills they address in the Great Lakes through the Oil Spill Liability Trust Fund (Fund).

The NPFC has the statutory obligation to pay for uncompensated NRDAs under OPA. The NPFC also has a fiduciary responsibility to manage the Fund in an efficient and accountable manner.

In essence, the Fund acts a “Secondary Insurer” (or 3<sup>rd</sup> Party), and like insurers, can help encourage relationships and resolve issues in the event of an oil spill. NPFC supports moving toward restoration and cooperative assessment efforts. Respecting cooperative efforts, NPFC supports finding ways to reduce overall assessment costs while ensuring a minimal standard of proof. Defining this standard of proof for cooperative efforts is what NPFC is attempting to resolve so as not to impede such efforts. Chris noted a number of approaches and standards that could enhance cooperation.

Richard (Rick) Nagle is the Assistant Regional Counsel with the U.S. Environmental Protection Agency in Region 5. ([See Rick Nagle’s Presentation and Biography](#)) The focus of Rick’s talk was on EPA-Trustee interactions that are primarily derived from three cases: the Sheboygan River and Harbor Superfund Site, the Ashtabula River/Fields Brook Site, and the Grand Calumet River Riparian Site NRD case.

Rick noted that while EPA and the Trustees co-exist at these sites, there is clearly room for improving the process and, potentially, the outcome. One of the issues that constrain EPA-Trustee interaction is institutional inertia that is reflected by them being:

- Bound by Process - The CERCLA remedial program is driven by its implementing regulations, the National Contingency Plan (NCP). Sites are moved through the NCP process in a step-wise fashion, in no small part due to the enforcement authority and protection from judicial review that flows from EPA acting consistent with the NCP. The Trustees have a similar incentive to follow the assessment regulations. When an assessment follows the regulations there is a legal presumption that the damages calculated are correct. Both programs require significant resources to get their process going and have great incentive to stay within their linear track. Like large tankers in the ocean, once the process is started it is difficult to steer or change course, or even to take on passengers.
- The Illusion of Movement - There is a need for both EPA and the Trustees to demonstrate progress at sites. The pressure is real as it relates to statutory deadlines such as the 120 day negotiating deadline for EPA. There is also internal and external pressure to demonstrate progress at sites. It is difficult to justify slowing down site work to wait for another agency to catch up. The need to show movement can help to split the agencies apart.
- Independent Culture - There is also a certain programmatic independence. There is a joke that goes, “Superfund doesn’t play well with the other children.” The NCP is fairly rigid. The Superfund guidance on testing, risk assessment, and remedy selection is time tested and safe. Staff has no incentive to deviate from the guidance. The NRDA process has similar stiffness. Government programs like their safe boxes to play in. These kids have grown up separately and are inclined to play separately.

The lesson Rick identified is that the programs take time and resources to engage. If EPA and the Trustees are going to attempt joint settlements, each process needs sufficient lead time so that information is fully developed and the governments can all move forward together. Upon receiving the notice, an agency that wants to participate has to commit the resources to be ready in a timely fashion. This step alone will help address the timeliness and the appearance of movement. In addition we need to push cooperation and collaboration. The more examples we have of success, the more site managers will feel the freedom to explore joint ventures with other agencies.

Rick provided a series of recommendations to improve interaction between EPA and the Trustees. These recommendations include:

- Improve the notice system. Perhaps institute a periodic planning session where Superfund managers and Trustee managers discuss sites in progress and sites under development.
- Develop joint investigation protocols. More of the information collected by EPA and the Trustees needs to be useful to other agencies. It's more efficient for the government as a whole if one set of samples can be used by two or more agencies. It also allows agencies to catch up quicker.
- Superfund sites and NRD sites move slowly. Don't allow the perception of a lack of movement to destroy partnership opportunities. At the same time, understand that environmental progress shouldn't be sacrificed without good cause.
- Promote the successful joint ventures and establish pilot cooperative sites. Learn to play nice!

#### *Questions and Answers:*

Questions and comments were posed to EPA representatives in general.

Q Regarding notices, communication is not so good between trustees and EPA. While some EPA regions do better than others, can EPA comment on the need to improve notices and general communication?

A Coordinating activities and regular meetings are due to come up soon nationally. We should have broader, face-to-face meetings on what we are doing to marshal resources.

Q Of the EPA regions that have meetings, who is coming to these meetings?

A At this point, Regional Directors and Branch Chiefs, discussing planning and some of site-specific issues. Involving RPMs might be useful in select contexts.

Q (Comment) Government isn't monolithic. We should, on bigger sites, lay out what the process is, where we can shave steps, whether we can skip some steps, not accept the fact that it's going to take forever, and trade off time for results.

A Part of the challenge is upfront investment of who is available and what we need to accomplish. Once you have that, you can take steps to break the regulatory shackles.

Q With so many areas of concern, where do you start cooperative assessment pilot projects?

A It's true, there are many areas of concern. It may be best to start with one of the areas of concern, one that is not too far developed, or take a smaller one to start with. Look at opportunities to bring in a suite of stakeholders.

### **Introduction to Small Group Sessions**

After lunch, Marlana Valdez outlined the rationale for small group breakouts. She explained how the breakout groups should operate, the roles of the small group leaders, and the ground rules as underscored earlier in the workshop.

The objective of the first small group breakout session was to discuss and prioritize the most critical response and NRDA issues in the Great Lakes region. Groups were asked to consider how these regional response and NRDA issues affect various stakeholder groups.

In the second small group session, groups were asked to choose their “top” or most important issues and to develop general strategies for addressing these challenges. The first day closed after the second small group session and groups provided reports the following day. *(See reports of small group work in Day 2 summaries)*

### **Day 2 – November 3**

Iris Ioffreda of Organizational Learning Associates opened the second day of the workshop by introducing the regional case study presentation.

**“Marching to Restoration - Lessons Learned in an On-Going Assessment.”** *(See [Lawrenceville Case Presentation](#) and [Outline](#))*

Presenting this case were Mike Coffey, Contaminants Biologist with the U.S. Fish and Wildlife Service, Todd Rettig, Manager of the Division of Natural Resource Review and Coordination, Illinois Department of Natural Resources, and Todd Williams, Vice President/Technical Director, ENTRIX. *(See [Mike Coffey's](#), [Todd Rettig's](#), and [Todd Williams' biographies](#).)* Todd Williams spoke on behalf of Michael Ammann of ChevronTexaco, who was unable to attend due to a family emergency.

The speakers presented the first large scale combined remedial and NRDA action in Illinois at the former Indian Refinery in Lawrenceville, Illinois. This oil refinery operated between 1907 and 1985. The site is adjacent to the Embarras River, and the refinery property contains floodplain wetlands. The speakers described the history of the site and regulatory developments.

The stakeholders at this site faced some substantial issues. In defining the assessment, given the size of the site and range of resources potentially affected, the stakeholders

needed to define the area and resources that would be targeted. They also needed to come to some agreement on the alternative methods that they would collectively use (e.g., conceptual modeling used instead of securing evidence of injury, Habitat Equivalency Analysis, etc.) and how best to coordinate response and NRDA actions. Regarding restoration, the stakeholders entertained the concept of restoration banking, seizing restoration options before remedial actions were complete, and getting public buy-in.

When discussion on the Lawrenceville site started, it was unclear what it meant to be cooperative as this concept had yet not been floated much at all. It was recognized, however, that for the parties to work effectively together, there was a need to share common goals to protect the natural resources at risk and restore the natural resources to their baseline condition. The parties also came to understand the need to reduce costs, expedite schedules, and share agency-company resources. To accomplish this, they defined the boundaries within which they would have to work, shared relevant information, and developed case-specific administrative and technical tools. They agreed to use common approaches and documents (e.g., Funding and Participation Agreement that could serve as examples for other cooperative cases. (See [Lawrenceville Case Funding and Participation Agreement](#))

The speakers concluded that for a cooperative case to proceed, it was important to:

- Keep your eye on the goal of restoring to baseline
- Remember that restoration is residual to response
- Prepare for the end game – CNTS (Covenant Not To Sue)
- Preserve institutional options
- Manage exposure to liability
- Set good precedents

The speakers referred to the 2004 San Diego National Cooperative Assessment Workshop as a catalyst in moving this case forward in a more cooperative fashion. They noted that workshops like these foster relationships and understanding to move cases and promote cooperative work. Creating opportunities can facilitate cooperative discussions. It is encouraging to see response agencies at this workshop because of the integral nature of remedial actions and restoration projects. ChevronTexaco is now managing future site actions by integrating response and restoration.

#### *Questions and Answer:*

- Q (Todd Williams) – You indicated that ChevronTexaco is intent on managing future sites using integration of response with restoration. What barriers do you envision at other sites relative to such integration?
- A Integration is working in two different ChevronTexaco sites that I'm involved in. At these two sites, there are no substantive issues; however, there is no assurance that integration will work in all circumstances.

Q (all) – The length of time it took to come to a cooperative agreement is striking. Is this to be expected in future cases? What were the obstacles? What lessons have been learned to shorten the time period?

A The eight years that it took to create and sign the Funding and Participation Agreement is not a standard time period. Please note that a cooperative NRDA was not the sole focus and suite of responsibilities for the stakeholder representatives. That is, these representatives were working on many other cases and projects at the same time, and while NRDA progress was being made incrementally, much progress was being made on remedial matters. Moreover, this was the first cooperative case of its kind in Illinois; the size of the case and new and nuanced issues posed additional challenges. Additionally, Texaco changed hands, being acquired by Chevron. With this backdrop in mind and while there was cross-communication, we do not think that future cooperative NRDA's will take as long. In fact, the approaches and documents developed should help shorten the cooperative assessment time period.

Q (all) – Who ultimately had to sign off on the Funding and Participation Agreement?

A The Funding and Participation Agreement went through a number of machinations before we derived the final format, ultimately focusing on the most important elements to cooperation. This Agreement is based on good faith and was not written as a typical enforceable document. Thus, there was no need to have legal signatories as such, although attorneys had input into the process. The signatories to the Agreement were agency directors and company decision-makers who could speak on behalf of their clients.

Q (Todd Williams) – You indicated that ChevronTexaco acquired land parcels early on for potential restoration. How do you deal with pre-selection of restoration?

A We are knee deep in that now. We started with an agreement to consider site specific restoration banking. Properties were available but were not purchased. We are addressing potential purchase and credit issues. We are also looking in surrounding regions to determine what habitats are available given the dearth of useable parcels.

Q (all) – Can you describe the role and extent of public involvement?

A This is a sensitive issue as the area is essentially a company town with jobs being a bigger factor. We are engaging the local communities to determine their interests, including leaders (business, school, political, etc.) and environmental NGOs.

## **Restoration of Human Use Services in a Cooperative Assessment**

The last case example was provided by William (Bill) Desvousges, President of Triangle Economics Research, and David Chapman, Managing Economist at Stratus Consulting, Inc. (*See [Bill Desvousges' and David Chapman's biographies.](#)*) The case discussed was Lavaca Bay, which included two parallel efforts to address ecological services and human use services. The panel discussion focused on the latter.

Bill started off the discussion by setting the stage for Lavaca Bay (*See [Bill Desvousges' Presentation](#)*) He stressed the benefits and key features (e.g., coordinated data collection that took one month and substantially reduced costs, use of one model, etc.) of the compensatory restoration efforts to effectively offset compensable losses. Bill outlined the timeline of events. Of note was the fact that the technical aspect of the site was essentially resolved in two years; however, coming to legal settlement took another five years. Like the Lawrenceville case, progress in cooperative efforts takes time when it's the first of its kind. These cases highlight what impediments NRDA practitioners face.

Bill noted that one of the challenges is engaging the public on their interests in addressing site impacts. He suggested that participants look at material on a number of web sites describing how Lavaca was successfully handled, including a paper on integrating risk assessment and NRDA.

David's presentation followed Bill's. (*See [David Chapman's Presentation](#)*) David talked about why Lavaca Bay worked as a cooperative NRDA and what we can take away from this effort. He started off by defining what cooperation meant in Lavaca Bay; an issue that was brought up earlier in this workshop. The elements that David brought up plus those identified on the NOAA CAP (Cooperative Assessment Process) web site (<http://www.darp.noaa.gov/partner/cap/index.html>) could help to jump start future cooperative efforts.

Like Bill, David cited some notable challenges in this case that may also apply to cooperative assessments in general, e.g., significant investment of staff time and resources; integration with other on-going RI/FS studies (they did not want to delay other studies), and public communication.

Addressing concerns about the time it takes to achieve cooperation in general, David underscored some important take home lessons, namely that:

- Cooperative NRDA's can be done in a timely manner
- Trustees need to commit resources to be effectively engaged
- Technical staff can work independently
- "Cooperative" process is not all or nothing
- The need to enter into the process with an open mind
- Economic tools can be useful to scale restoration
- Don't expect that cooperative process should fit all cases

## **Coordinating NRDA Work**

Robin Burr, NRDAR Regional Coordinator for the U.S. Department of the Interior, focused his discussion on coordination of CERCLA remediation and restoration activities, current and evolving, in terms of why the process should evolve and the current state of coordination efforts.

Robin emphasized the fact that the majority of cases that were settled and not litigated achieved settlement only because of strong coordination among the parties. He noted that given the different goals of EPA and the trustees and interest by PRPs in global settlements, there are significant challenges, but they could be and have been effectively addressed. Noting the linear process that exists today (see EPA “[NRD Slide Show](http://www.epa.gov/superfund/programs/nrd/primer.htm)” at: <http://www.epa.gov/superfund/programs/nrd/primer.htm> ), Robin highlighted the current movement toward cooperative conservation (refer to White House Conference on Cooperative Conservation, <http://www.conservation.ceq.gov/agenda.html>) as a means toward environmental solutions. An example of a collaboration in the NRDA process is beginning the Trustee-PRP discussion by focusing on establishing restoration conditions needed for settlement and then conducting only those NRDA process elements needed to link and scale settlement restoration activities to the natural resources injuries occurring from the release. This collaborative process does not change the authorities or goals of the current CERCLA remedial-NRDA process but improves the chances of achieving outcomes that benefit all involved parties.

Robin cited a number of efforts that are currently available and in play to help achieve cooperation/collaboration, including: focus on major milestones of the CERCLA NRDAR Regulations (43 CFR 11), recent co-Trustee and Trustee-PRP cooperative agreements, agreements with EPA to provide technical assistance, use of stipulations, tolling agreements, alternative dispute resolution mechanisms, national and regional workshops (such as this one, Joint Assessment Teams (see <http://www.darp.noaa.gov/partner/cap/relate.html>), and DOI Federal NRDAR Advisory Committee (FACA). The first DOI FACA meeting will be Nov 30 – Dec 1, 2005, at the FWS Training Center in Shepherdstown, WV. For further information on future FACA and related events, see: <http://restoration.doi.gov/>).

### *Questions and Answers:*

- Q What is the role of DOJ (and state AGs) in coordination? Can DOJ bring in the trustees?
- A DOJ (and state AGs) is a critical player, but it is not its job to coordinate NRDA actions per se.
- Q Do trustees have to follow the CERCLA regulations to the letter?
- A No. What’s necessary is that trustees make sure to follow important regulatory milestones. The CERCLA regulations should serve as a base from which to move a case forward.

## **Small Group Reports (Sessions 1 and 2)**

In the morning of the second day of the workshop, small group reports were presented, based on breakout sessions held during the first day of the workshop. Small groups addressed these questions:

### 1. What are the issues?

Please develop a list of the NRDA issues/challenges/problems your small group members believe are most critical in the Great Lakes region.

### 2. Which issues are most important?

Prioritize the issues from most to least important. Looking at your top issues, why do your group members see these as most important?

### 3. What are some possible solutions?

Choose one of your top issues and brainstorm strategies or solutions to resolve the issue. As you discuss your solutions, please think about these questions:

- How will you gain the support you need from the various stakeholder groups involved?
- What resources would be required?
- What obstacles would you need to overcome? What steps could you take to overcome them?

## **Small Group 1 Report**

Liz Browne (Group Leader)  
Robin Burr  
Marilyn Danks  
Richard Nagle  
David Gustafson  
John Hanson  
Jim Hartnett

### **Issues Identified**

- Significant sediment sites
- Landfills with multiple RPs and/or liability and attribution issues
- Baseline – what is it? Dirty river with PCBs vs. dirty river pre-PCBs

- Injury – what has been harmed by the agent? Multiple aspects of injury – animals, recreational use, cultural impacts
- Injury response – what are the ingredients of the deal?
- Tribal issues – unique perspective; unpredictable
- Trustee lack of coordination
- Trustee suicide – raising public expectation of settlement early, and then settling for 25 cents on the dollar
- Need for confidentiality or negotiation process vs. need for public involvement
- Government not sharing their views on level of RP responsibility

### **Highest Priority Issue**

Kick starting a large sediment site

### **Solution**

Start by agreeing on a settlement (or at least trying). Create a common vision.

### **Stakeholders**

- Trustees
- Response Agencies
- Responsible Parties
- Public

### **Resources Needed**

- General understanding of injuries that are significant
- General understanding of settlement components
- Staff from all appropriate parties
- Funding
- Fine tuning as necessary as you work through the process

### **Obstacles to Success**

- Breaks traditional process
- Hidden agendas
- Lack of opportunity to build trust
- Lack of broad perspective
- Over-reliance on specificity
- Need to create a safe environment

### **Other Notes**

- Jurisdiction over resources – who has the clout?
- Various levels of expertise on both sides

- Lack of management oversight – who is tracking progress? Realistic expectations not set.
- Starting point – Initial HRA analysis is very broad – may raise expectations. Need something short of a Type B assessment but more than is done now.
- Unclear line between remediation vs. restoration for response agencies. Pushed to have as much as possible defined as remediation to make restoration discussions easier – tension slows process and erodes trust.
- Evolving process – not helpful to drag out (1986 examples). RPs drive the process – want to avoid Type B assessments, yet Type Bs have specific milestones identified that can be tracked
- Trustees need time to get organized – RPs need to indicate a desire to get trustees involved right up front – better universal settlements
- Trustees – who is lead? Who will generate the administrative record?

#### Issues that need to be dealt with in Trustee process

- Coordination
- Oversight
- Dispute resolution
- Roles
- Timing of involvement
- Interaction with responsible agency

#### Standard “issues”

- Defining baseline
- Defining/measuring injury
- Confidentiality vs. public involvement

#### Issues regarding settlement package

- Injury response/ingredients of deal
- Government views on RP responsibility evolving process – leave out old stuff
- Timing
- Type B assessment

### **Small Group 2 Report**

Collette Charbonneau (Group Leader)  
 Christopher Abrams  
 Judith Gapp  
 Al Gebhard  
 Christopher Plaisted  
 Doug Reagan

## Issues Identified

### *High Priorities*

- Non-use valuation
  - To use or not to use
  - Economic models
  - What to consider (groundwater)
- How can PRPs get trustees involved when building trust?
- How to establish baseline conditions of resources
  - How to establish
  - What if can't get back to baseline
- Different agencies and nations (Canada, tribal) coordination. Goals, mandates. Strong advocates – no negotiation

### *Mid-level Priorities*

- What level of science is enough?
- Setting precedents – finality of claim, confidence levels
- Rules changes (or not), get to restoration sooner

### *Lower Priority*

- Good economists involved/needed at sites
- What if you cannot get back to baseline? Defining “reasonable”
- Competition between economic models
- Cultural issues –tribal sovereignty
- Natural resource issues
- Getting the “whole” story

### Coordination

Amongst trustees  
Response/NRDA  
International

### **Highest Priority Issue**

Establishing baseline – relates to if there is an injury and when restoration is achieved

### **Solution**

Use multiple reference sites (“pristine,” “degraded,” “somewhere in between”) Use guidance of 43 CFR 11

## **Stakeholders – how to gain their support**

- Solid understanding of baseline definition
- Reasonable expectations by all
- Trustees, PRPs, remedial people, involved early
- Then go to public and NGOs later
- Understand what is wanted for restoration

## **Resources Needed**

- Cost increase with each reference site sample
- Technical folks/experts for field work

## **Obstacles to Success**

- Selecting reference sites
- Background concentrations (Hg in fish)
- Different values (tribal view)
- Statistical method
- Resource level v. service level
- Agreement of details on reference selection
- Baseline degrading
- Multiple PRPs
- Site specific

## **Small Group 3 Report**

Nanette Leemon (Group Leader)

Doug Cowin

Tom Brosnan

James Hahnenberg

Patrick Giordano

Margaret Zak

## **Issues Identified**

*In order of priority*

- 1a. Consistency in program application (nationwide, region-wide)
- 1b. Improving/assuring coordination
  - Early input from all stakeholders (agreement on data/needs/goals/objectives)
  - Between programs/differences between remedial/NRDA
  - Schedule/deadlines – assure timely progress

- Building trust – working relationships
- Baseline challenges
- 2. Program Efficiency
  - Development of guidance/protocol
  - Improve efficiency of remedial/restoration process
  - Maximize outcome benefits
- 3. Limited resources – agency/individual (staff, money, time)
  - Balance between data need/uncertainties .Leading to damage estimate/calculations
- 4. Education – individual/government

### **Highest Priority Issue**

Consistency in program application

### **Solution**

1. Federally mandated legislation to
  - (a) combine programs
  - (b) integrate programs
2. Education/training
3. Development protocols/guidance
  - develop criteria (where none exist)
  - damage valuation
  - contingent valuation
  - non-use value

### **Stakeholders**

- Trustees
- Industry
- Response Agencies
- Public

### **Resources Needed**

- Money, commitment/buy-in
- Agency resources (development training; legislation guidance)

### **Obstacles to Success**

- Politically not possible
- Documents don't address all trustee stakeholder interests
- Costs/resources

## Other Notes

1. Consistency in program application (nationwide/regionally)
  - Development of guidance/protocols
2. Improving and assuring coordination
  - early input from all stakeholders
  - agreement on goals/objectives
  - address differences in programs (remedial/NRDA)
  - risk based cleanups inconsistent w/NRDA
3. Limitations on resources (staff, money, time for both individuals and trustee agencies)
  - Need to improve efficiency of remedial/restoration processes
  - Estimated schedules/deadlines. Diverging from process steps
  - Maximize outcome benefits
  - Timely progress
4. Education on program/process for both agencies and industries (big and small)

Building trust –working relationships

Balance between data needs/uncertainties – damage calculations

Baseline – what is it/ how to determine

Mandated consistency – federal legislation – NRDA included in CERCLA (sequential)  
vs. concurrent integrated process

Development of guidance/protocols – for valuation of damage

2 programs (remedial and restoration) should not be inconsistent, despite differences in objectives

Requires significant training

## **Small Group 4 Report**

Todd Rettig (Group Leader)  
Kelly Bakayza  
DeAnne Redman  
Doug Reeves  
John Gross  
Steve Jawetz  
Lisa Saban

### **Issues Identified**

1. Multi-party and multi-contaminant sites
  - a. ID PRPs, Trustees, and Trust Resources
  - b. Interagency and intra-agency coordination
  - c. Ability to work in subgroups
  - d. Allocation of responsibility
2. NRD vs. Risk-based Cleanup
  - Baseline
  - Groundwater use
3. How much to invest in studies and surveys

### **Highest Priority Issue**

Multi-contaminant/multi-party sites

### **Solutions**

- a. ID Trustees and Trustee Resources  
Pre-establish protocols among trustees for coordination and resource ID  
(and lead responsibility)
- b. ID PRPs and get to table  
EPA or state PRP ID process  
Develop process for de minimis/NRD settlements  
Provide incentive for PRP participation (assurance of collaboration?)
- c. Subgroups – ability to break sites into sub-issues (e.g., geographic, methodology)  
Trustee willingness to solve part without solving all (take risk)  
PRP willingness to invest in partial /solutions

### **Stakeholders**

For (a) - agencies/tribes  
For (b) - agencies and PRPs  
For4(c) - agencies and PRPs

## **Resources Needed**

For (a) and (c) - staff time, travel, leadership  
For(b) - Use EPA PRP work; PRP willingness to provide info to support settlement

## **Obstacles to Success**

For (a) and (c) - Lack of funding and commitment; lack of trust  
For (b) – confidentiality agreements (info-sharing)  
For (b) meeting time

## **Small Group 5 Report**

Richard DeSanti (Group Leader)  
David Chapman  
Davis Crass  
William Desvousges  
Ann Mankowski  
Beth Whetsell  
Larry Zaragosa  
Kurt Zimmerman

## **Issues Identified**

1. Groundwater Evaluation
  - How do we evaluate (techniques) from NRDA perspective?
    - Use formula/model
    - Use site specific evaluation
  - What does groundwater restoration mean?
  - To what extent do state trusteeships cover groundwater?
  - Not much litigation on issue to date?
  - Need to research literature history/state.
2. Need for understanding tribal cultural values
  - Natural resources = culture
  - How to quantify?
  - How to value?
  - How to restore?
  - Trustees – integrating tribes into process? How, when, which
  - Tribes typically have very limited resources to participate in process.
3. Jumpstarting NRDA Process of cooperative assessment/restoration
  - Who leads?
  - When and how do you engage partners?
  - How do you manage multiple partners?

- More examples of cooperative assessment/restoration in OPA than CERCLA – Need examples – definition
  - How to identify and overcome obstacles to PRPS participating in cooperative assessment/restoration
    - Insurance/liabilities
    - Uncertainty of process
    - More parties = more difficult
4. How to overcome institutional/regulatory obstacles
    - Be creative, but stay within guidelines
    - Pilot projects are needed and useful, but regulations make it difficult to do
  5. Need overarching goals to guide consistency

### **Highest Priority Issue**

Lack of agreed upon goals (despite use of common language) to drive consistent good practices in Cooperative Assessment/Restoration

### **Solution**

Legislative to Laissez Faire. Somewhere in middle/organic process?

### **Stakeholders**

- Trustees
- Industry/PRPs
- Public
- Response Agencies
- Tribes
- EPA
- States

### **Resources Needed**

- Trustees
- Industry/PRPs
- Public
- Response Agencies
- Tribes
- EPA
- States

### **Obstacles to Success**

- Lack of identified process
- Lack of funding
- Turf battles

## **Small Group 6 Report**

Marguerite Matera (Group Leader)

Pieter Booth

Howard Chinn

Mike Coffey

Becky Comstock

Jennifer Macal

Larry Mennier

Suzanne Sonneborn

Mark Travers

### **Issues Identified**

#### Industry Concerns

- Coordination with and among agencies
- Consistency in conducting damage/injury assessments
- Efficiency considerations
- Cost considerations

#### Trustee Concerns

#### Establishing Trust

- Open Communication/information sharing between regulatory agencies
  - Understanding the internal chains of command
  - Early coordination on response and restoration
  - Alignment/understanding of interests
  - Early/premature “lines in the sand” drawn at outset of negotiation
- Open communication between industry/PRPs and regulatory agencies
- Elimination of confusion re: lead agency over site

#### Public Involvement

- When and how
- Balancing trustees’ fiduciary responsibilities with PRP’s concerns

#### How to avoid surprises

### **Highest Priority Issue**

How to establish effective coordination and communication among parties

### **Solution**

#### Pilot Action Plan

## **Stakeholders**

- Tribal Perspective (not mentioned in debate)
- Seek information flow from public
- Action plan participants (efficiency, contain costs)

## **Resources Needed**

- Straw man plan outline
- Appropriate site selection
- Availability to meet face to face
- Buy-in from decision makers
- Right people at table
- Money

## **Obstacles to Success**

- Potential resistance to adding another layer of bureaucracy
- Might reduce flexibility
- Personalities

## **Action Plan Content**

- ID participants (agency, industry, consultants)
- Why part of process?
- ID goals
- Timeline – key milestones
- Methods of communication (agency to agency; agencies to PRPS)
- Technical tasks and legal tasks
- Data sharing
- Budget/cost expectation
- Library of documents (i.e. more valuation criteria)

## **Small Group 7 Report**

Rees Madsen (Group Leader)  
Ken Aukerman  
Barbara Goldsmith  
Thomas Schneider  
Jeff Andrienas  
Ann Fletcher  
Steve Galarneau  
Mary Ann Taylor

## **Issues Identified**

1. Communication and information sharing in a consistent and open way
2. Options for intersection of restoration /remediation. Lack of consistent NRDA programs state to state
3. The tool box – sharing lessons learned and resources, information
  - Coordination of disparate great lakes projects programs and policies (EG., AOC, RAPP)
  - Involvement of private parties' property in restoration
  - Getting all parties identified and working productively
  - Relationship of funding sources to restoration
4. How to monitor restoration post-settlement and how we evaluate effectiveness of restoration and point of restoration to end point of assessment. Impact of new contaminants/synergistic effects restoration end point
5. How we identify natural resource injuries and separate them from other and manmade effects
6. How to identify common vision (what is restoration and when is it complete)
7. How to reconcile trustee role as PRP
8. Common guidelines

## **Highest Priority Issue**

Tool Box – sharing information for restoration decision making

## **Solution**

Consolidated NRD information repository for Great Lakes

**Stakeholders** – how to gain their support

- Win-win incentive
- Gains in efficiency, effectiveness, predictability

## **Resources Needed**

- Start-up
- Management Committee and Oversight Committee
- Website/clearinghouse

## **Obstacles to Success**

- Confidentiality
- Cost (hardware, staff)
- Someone to chase info vs. passive submission
- People's time and commitment

## **Small Group 8 Report**

Ron Gouguet (Group Leader)  
James Baine  
Sharon Hanshue  
Heidi Sorin  
Scott Ireland  
Jim Smith  
Allen Sedik

### **Issues Identified**

- A. Old industrial site (infrastructure)
  - PRP relations complex
  - Overlap between habitat and contaminant distribution
- B. All industry realignments
  - Pipelines change hands often
- C. Bankruptcy
  - Orphan shares
- D. Budgets/changing priorities
- E. Prioritization
- F. Modernize tools transfer info site to site (within watershed)
- G. Remedy/Restoration
  - Uncertainty(don't get exactly what you expect)
  - Shared risk – public input/define
  - Tolerance of risk if less than complete success
- H. Inflexibility on remedy (bean count) interferes and limits flexibility
  - Response drives/ restoration inhibited/changes exposure
- I. Cash out vs. implemented projects
  - Similar standards (PRP v. Trustee)
- J. Coordination/communication

### **Highest Priority Issue**

Share Risk (less than total success)

- How to share
- When
- Limits on risk

### **Solution**

Why assume some risk?

- Facilitate settlement
- Fosters trust to work toward facilitated settlement
- Jobs/risk cleanup
- Finality for PRP (risk to trustees?)

Public helps define limits of acceptance

Parties create “model” for key indicators with tolerance limits (included these potentially)

- Performance standards - term of monitoring
- Long-term maintenance vs. cash out
- Cap on corrective actions
- Cap on funds for corrective actions
- Insurance acres

### **Small Group 9 Report**

John Carter (Group Leader)  
Ben Baker  
Betsy Galbraith  
Lisa Williams  
Greg Hill  
Carl Wodrich  
Jeff Stringer

#### **Issues Identified**

*(in order of priority)*

1. Managing expectations of Trustees, RPs, Public
2. Rivers are dynamic, complicated, complex environments  
complex technical issues to address  
multiple RPs
3. Tribes being recognized as separate governments

Other issues that received votes:

- Different ways each state approaches NRDA (inter-jurisdictional issues).  
Some states have resources/expertise
- Competing goals/expectations between states/between PRPs
- Quantify cultural resources
- Transparency vs. confidentiality
- Establishing baseline in urban areas

Other issues:

- Age of sites
- Definition of “making public whole.” How do we involve the public effectively?  
Are public expectations in line with compensatory restoration projects?
- Should RPS enter into a cooperative assessment? Under what circumstances?  
What are the advantages and disadvantages? To what degree of cooperation  
will there be?

## **Solution**

Education and communication between Stakeholders

### **Stakeholders** – how to gain their support

- Institutional buy-in of the process
- Resources
- Training
- Trustee/RPs attempt to communicate with one voice
- Know that there will always be uncertainty in the process
- Deliver consistent message
- Use of different meeting formats
- Use of PR firms/Community Relations Specialist where appropriate
- Appropriate decision makers decide whether to pursue claims
- Clearly communicate goals/expectations at beginning of the process
- Use of Pas should be clearly defined

### **Obstacles to Success**

- Lack of NRDA knowledge
- Coming up with consistent message
- Lack of funding/resources for Trustee or RP

### **Small Group 10 Report**

Todd Williams (Group Leader)  
Kerry Dekeyser  
Kevin Faus  
Joseph Jackowski  
Todd Goeks  
Gerry Karr  
Brandy Proffitt

### **Issues Identified**

- Integrate response action and restoration (Trustees, Response Agencies, RPs)
- The need to establish the “end vision” upfront
- Funding the process
- Fair assessment
- Establish expectations and ground rules up front

### **Highest Priority Issue**

Fair Assessment – Everyone participates, not punitive, and transparent

## **Solution**

Establish expectations and ground rules up front

## **Stakeholders** – how to gain their support

- Integrate response actions & restoration
- Develop the end vision and milestones
- Funding and participation agreement
- Routine communication and working groups

## **Resources Needed**

- Management and legal approval and support
- Signed FPA

## **Obstacles to Success**

- Institutional roadblocks (internal response agency, RP, Trustees)
- Regular scheduled meetings
- Public involvement
- Public availability session and restoration plans
- Personal agendas
- FPA, communication
- Non-use valuation methodology

## **Small Group 11 Report**

Brian Tucker (Group Leader)

Ronald Ganim

Tom Heavisides

Darren Vogt

Ginny King

Frances Klahr

Ginger Moliter

Thomas Short

## **Issues Identified**

1. Coordination
  - RPs internally
  - Trustees
  - Trustees and Regulators
  - Trustees and Regulators and RPs

2. Integration
  - Ongoing regulatory process
  - When and how?
3. Injury determination
  - Standards (groundwater sediments)
  - Cultural service loss
4. Specific definitions of injury (groundwater)
5. Lack of resources
  - Money
  - Personnel
6. What is cooperative?

### **Highest Priority Issue**

#### Coordination/Integration

- With other projects
- Stand alone

### **Solutions**

1. MOU/MDA  
among all trustees – increase consistency
2. Initial kick off meetings for all projects, including NRDA,  
all stakeholders as early in process as possible
3. Eliminate adversarial nature of NRDA  
us v. them  
build trust  
risk associated with cooperation
4. Clear goals of project by Trustees reduces uncertainty/blank check
5. Funding resources  
more than better!
6. Initiate new NRDs as cooperative  
Trustees and PRPs
7. Training/education/interaction of all stakeholders  
e.g., this workshop  
better communication and personal relationships

### **Small Group 12 Report**

Jennifer Lawton (Group Leader)  
 Susan Carrington  
 Doug Cox  
 Stan Yonkauski  
 Jim Thompson  
 Eric English  
 Dave Devault

## Issues Identified

- Cooperative process further along with OPA v. CERCLA  
Regulations more amenable?  
OPAS/spills less complex – event-oriented vs. historic  
Agency process tied to funding (federal)  
Agency consistency - specificity and size of plans/reports
- Feds/states need money and staff (consistency/turnover), industry transaction costs
- Paralysis over details/language (“death by meeting”). Outside counsel and contractors can slow process
- Integrating remedial and NRD timelines
- With each other
- With funding cycles
- Uncertainty: speed vs. accuracy
- Risk aversion
- Does everyone really want resolution?
- Chain of command – information transfer
- Trust vs. CYA
- Loss of control/lead
- Confidentiality
- Transparency of process
- Communication  
Public Outreach/information  
Mixed messages from difference sources  
How do you reach the majority?  
How do you manage the outreach?
- Which trustees have authority at different sites/Confusion
- Cooperative vs. collaborative
- Agency consistency
- Funding and resources  
Availability – government  
Allocation – industry and government

## Solution

Enhance/modify/address cooperative process to reach our goals

## Stakeholders

- Public Trustees – federal, state, tribes
- Industry and shareholders

## **Resources Needed**

- Upfront funding from industry
  - PRP involvement is significant (not just writing the check)
  - Reduces transaction costs
- Agreement on rules/process/rights from project initiation or as early as possible
- Streamlined/unified public process – managed capably by lead agency
- Technical, legal, economic workgroups. Make decisions and communicate to large group
- Press as informational outlet
- Coordinate/collaborate early
- Management and decision makers set directions and the delegate

## **Obstacles to Success**

- Jurisdiction
- Lack of trust
- Scientific studies needed vs. wasted
- Consistency across sites vs. site-specific solutions
- Competing models/reports
- Confidentiality/transparency
- Large group involvement may decrease communication and efficiency
- Press = potentially inflammatory
- Recalcitrant PRP (as part of larger PRP group)
- Intra/Interagency communication and mixed messages to media and outside sources
- NRDA process and timeliness needed
- Restoration planning prior to remedial decision?
- Public support

## **Overcoming Obstacles**

- Potential to use stakeholder/environmental groups in restoration planning and implementation – leverage money; hold land title
- Get recalcitrant PRPs out of the collaborative process
- Agree on decision criteria a priori
- Ability to do restoration (time-critical projects, offsite restoration) and get credit before settlement/liability release
- Do something small first to gain momentum and build trust (e.g. press releases for funding agreement)
- Stakeholders have agreed upon priority level of site

### **Small Group Session 3 – Next Steps for the Region**

In this session, small groups were asked to develop ideas and action plans that will enhance NRDA coordination in the region. Specifically, participants were asked “How can you expand the opportunities offered in this workshop – sharing information, enhancing coordination of NRDA work, developing relationships among NRDA practitioners, and improving the NRDA process?”

Preliminary ideas were gathered from small groups, each group being asked to develop a list of four items:

- Two ideas about how to continue the dialogue begun at the workshop
- Two ideas about what the continuing conversation should be (substantive areas)

These ideas were then organized into the following six categories, and various small groups developed action plans to move forward ideas for each category. The group reports follow:

#### **Group #1 - Improve Ongoing Regional Communication via Website**

*Contact: Marguerite Matera, NOAA, 978-281-9231, [marguerite.matera@noaa.gov](mailto:marguerite.matera@noaa.gov)*

The group discussed potential uses of a Great Lakes Region NRDA website as well as resources that could be provided via the website. Group members also ranked their recommendations according to potential usefulness and/or priority of the ideas (in parentheses):

- Links to state and federal agency points of contact (high)
- Resources (for maintenance) – webmaster (high)
- Reports (high)
- Tools (high)
- Case Studies (high)
- Agreements (high)
- Sample Documents (high)
- Technical documents – studies, valuations etc. (high)
- Listserv (medium)
- Great Lakes specific information archive (CLNPO, IJC, Great Lakes Comm.)
- Activities and calendar (?)
- Lessons learned (medium)
- War Stories (medium)
- Chat room w/discussion threads (low)

## Action Plan:

The group agreed to take the following next steps:

1. Using existing conference calls, inventory existing web resources and possible vehicle. Person Responsible - Barbara Goldsmith.
2. Talk with contractor or other computer/web savvy folks regarding what is required to set up a useful website and how to organize. Person Responsible: Marguerite Matera

## **Group #2 - Expand Body of Research on NRDA Issues**

Contact: Jen Lawton, ENVIRON, 440-834-1460, [jlawton@environcorp.com](mailto:jlawton@environcorp.com)

The following R&D issues were identified:

- Cultural resource valuation methods – Review Steve Hampton's (CA) article
- Baseline
  - Compile existing information on establishment of baseline
  - Must come from case studies because information is site-specific
- Models, including risk tolerance
- Need technical working committee for R&D
- Identify current tools and methods for assessment (applications, pros, cons)

Research and marketing of cooperative approaches was also identified as a major issue.

## Action Plan

1. Compare cost of adversarial vs. cooperative process. NOAA may have some materials in draft. Industry may want such a study to be conducted in-house. Person responsible: Dave Devault, F&WS.
2. Pilot programs: pilot sites, pilot communication action plan
3. Develop a working framework document (2 pager)  
Responsible party: NOAA (Eli Reinharz) and conference organizers to identify representatives from each sector.  
What: Working framework document  
When: Draft for debate/discussion/input at next regional meeting  
(May want to base on "Why It Worked" slides from Dave Chapman's presentation)
4. Decision tree for when to do cooperative assessment.

The group identified the following obstacles to developing more research on the cooperative process as well as the other research priorities identified:

- Agencies are overcommitted/understaffed

- Consultants need billable hours
- PRPs have bottom line concerns
- Need buy-in from ALL groups for 2 pager (see above)

### **Group #3 - Enhance Trustee Coordination and Communication**

Contact: Kurt Zimmerman, NOAA GCNR, [kurt.zimmerman@noaa.gov](mailto:kurt.zimmerman@noaa.gov), 562-980-4078

The issues and ideas identified by this group included:

- Tribal issues
- State federal interaction
- Funding
- Creating a points of contact directory

#### Tribal Issues

1. Are there tribes that should be involved? Call BIA, Allen Sedik, 202-208-5474
2. Tribal negotiators normally are not empowered to make on-the-spot decisions
3. Go into negotiations with time built in . Educate yourselves on tribe specifics. Know what you need and how to get it. Possibly create a white paper to educate trustees.

#### Action Plan on Tribal Issues

1. Form a committee
2. Time line – 180 days
3. PR – BIA lead, w/ states, tribes
4. Obstacles – BIA technologically challenged
5. Obstacles – Time, funding, pending, or ongoing litigation

#### Points of Contact Directory (US EPA Reg. and Missouri)

##### Questions:

1. What agencies should be involved?
2. Whom do you contact within the agency?
  - a. Web-based list of trustee agencies by state
  - b. Include NRDA points of contact by organization
  - c. Include designated authorized official (decision maker)

#### Action Plan for Points of Contact Directory

1. See if already available (90 days)
  - a. Get state/federal points of contact who can get information

- b. Gather information/create list (30 days)
- c. Post on NOAA or other appropriate website (30 days)
- 2. Person Responsible: Nan Leemon, Michigan
- 3. Obstacles – time, people, keeping list up to date

*(Note: Eli Reinharz' surveys have some of this info. Also check with ASTSWAMO.)*

### State/Federal Interaction

#### Action Plan for State/Federal Interaction

- 1. Setting up state-by-state regular meetings
- 2. Steps: Figure out who parties are
  - i. Set up ground rules for meeting
  - ii. Establish purpose
- 3. Timeline – 360 days
- 4. Person Responsible: Marilyn Danks –MNDNR (identify federal point of contact in region)

### **Group #4 – Improve Integration of Response and Restoration**

*Contact: Lisa Williams, U.S. Fish & Wildlife, 517-351-8324, [lisa\\_williams@fws.gov](mailto:lisa_williams@fws.gov)*

The group determined that meetings with USCG, EPA, DOI, states, and NOAA trustees would be required to develop integration methods and improvements. They also agreed that sites should be prioritized, the notification process should be improved, and lawyers at the various agencies should be involved.

#### Action Plan

- 1. Response – Restoration modules as part of JAT meetings
  - a. Discuss pressure of “bean” counting
  - b. Case studies from other regions
  - c. Successful integration efforts
  - d. Attract OSCs, RPMS and management
- 2. Trustees going back to their management to re-emphasize participation in spill planning – Response and RPS support this
- 3. Drills
- 4. Working with RRT (Regional Response Team) to get NRD trustee in ICS-Command
- 5. Obstacle – infrequent visibility/urgency
- 6. Another discussion item – trustees communicate to RPS, EPA even when not choosing to participate
- 7. Call Larry Zaragoza (at EPA) to consider elevating if hitting roadblocks since management generally supports coordination

## Group #5 - Increase NRDA Knowledge via Trainings, Other Educational Opportunities

Contact: Frances Klahr, Mo. Dept. Natural Resources, 573-522-1347,  
[frances.klahr@dnr.mo.gov](mailto:frances.klahr@dnr.mo.gov)

The group identified the following possibilities to improve NRDA education and/or training opportunities:

- Fact sheet with case studies for management
- Integrate with group 1 for weblinks, fact sheets, etc.
- Training in communication, group dynamics, facilitation
- Possibilities - Contact ERC, NADR re trainings and facilitation Person Responsible Person - Doug, within 2 weeks, by 11/18/05)
- Institute for Environmental Conflict Resolution ([www.ecr.gov](http://www.ecr.gov)) offers facilitation training, materials, roster of environmental facilitators, other training courses. (Add to website of group 1)
- NCTC – FWS – Training Courses
- Web based training
  - Interstate Technology Regulatory Council (interactive training) hosted by EPA [www.ITRCweb.org](http://www.ITRCweb.org).
  - ITRC - nothing specific to NRD yet but could be developed. Person Responsible - Francis Klahr to contact within 2 weeks.
  - ITRC – contact EPA to discuss – NOAA-DARP DOI Restoration Program. Person Responsible - Dave Morrow, DOI.
- Professional training video -- Better options are available, e.g. web, interactive)
- NRDA training sessions on hot topics (quarterly)
- Identify topics (everyone will look into this).
  - Possible topic is ecorisk/NRD integration (joint PRP/trustee presentation). Use common themes from this meeting, future meetings, from listserv (ask Barbara Goldsmith about Forum website)
- NRDA 101 for all stakeholders
- Needs to be geared to audience (practitioners, public). Collette already has it done for practitioners. Other audiences?
- Tribal cultural understanding
  - Native environmental dispute resolution (ECR), state tribal workgroup STGWG. Person Responsible - Tom S. will contact.
  - Diagram relationships among players, resources, etc. Person Responsible - Doug Reagan.
  - Tribal perspective – Person Responsible - Betsy

## **Group #6 – Facilitate Ongoing Regional Communication via Meetings and Conference Calls**

Contact: Jeff Stringer, BBL , 312-332-4937, [jstringer@bbl-inc.com](mailto:jstringer@bbl-inc.com)

The group identified the following possibilities for ongoing communication:

- Annual regional meetings
- Subconferences
- Scheduled, moderated conference calls
- JAT including industry/workgroup
- Video conferencing
- Webmeetings quarterly – web group
- Coordination, information exchange

### Action Plan

1. Form steering committee to investigate and identify participants, constraints, incentives for meeting, format and content.
2. Persons responsible: Reps from state trustees, federal trustees, and industry, administrative and logistics (Jeff Stringer – BBL), DOI/F&W
3. Steering Committee:
  - a. Todd Rettig – IL
  - b. Kevin Faus – MN
  - c. Heidi Sorin – OH
  - d. Kelly Bakayza – DOI
  - e. NOAA??
  - f. Becky Comstock – Phelps Dodge
  - g. Jeff Stringer –BBL
  - h. Peter Booth – Exponent
4. Focus meeting on problems, solutions and practical application of lessons
5. Funding?
6. Timeline: Steering Committee Meeting – January 2006
7. First meeting – October 2006

### Closing Comments

Eli Reinharz of NOAA closed the workshop, commenting that he hoped that this workshop will be the beginning of great work and productive conversations in the future. He offered NOAA's assistance in the future to the extent possible and wished all many thanks and a safe trip home. Participants completed evaluations on the workshop. (See [next pages.](#))

**Great Lakes Region NRDA Workshop  
November 2-3, 2005  
Chicago, Illinois**

**EVALUATION**

**Optional:**

**Name:** \_\_\_\_\_

**Type of Organization:** Federal Trustee \_\_\_7\_\_\_ State Trustee \_\_\_15\_\_\_ Industry \_\_\_4\_\_\_  
Tribal Trustee \_\_\_\_\_ Consultant \_\_\_6\_\_\_ Response Agency \_\_\_3\_\_\_

Please answer the following questions by placing a check (✓) mark or circle at the point on the scale that best indicates your feelings. 1 = low, 5 = high

**1. How much was your knowledge of NRDA issues enhanced by this workshop?**

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1	2	3	4	5
2	6	14	15	5

**2. How useful was the workshop in enabling you to meet people and to make valuable contacts for the future?**

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1	2	3	4	5
	2		16	24

**3. How useful were the small group exercises?**

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1	2	3	4	5
	2	7	22	10

**4. How useful were the panels and speakers?**

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1	2	3	4	5
	2	9	29	7

**5. How useful were the ideas/solutions developed to improve the NRDA process?**

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1	2	3	4	5
	5	4	22	8

**6. How well did the workshop develop a set of next steps to improve the NRDA process in your region?**

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1	2	3	4	5
	2	13	16	7

(Yet to be seen if there is follow through)

**7. What aspects of the workshop were most helpful?**

- All Good!
- Interfacing with PRPs and trustees and being able to share previous cooperative restoration project experiences with less experienced trustees
- Hearing issues, problems and potential solutions from other trustees and RPs
- Networking, brainstorming solutions, interacting with PRPs, trustees etc. in a neutral setting
- Learning state and industry perspectives
- Discussion with NRD practitioners and particularly trustees and state people
- Informal discussion and group exercises
- Case studies
- Networking with different sectors, sharing perspectives
- Small group discussion
- Networking with other trustees
- Well, it depends on what happens next
- Case studies
- Contacts, discussions with various stakeholders
- Case studies
- Case studies, small group exercises
- Understanding NRDA activity in the Great Lakes area. Understanding RP goals v. trustee goals in the NRDA process
- All aspects – new process to me so hearing the panels, case studies and long term practitioners speak was informative
- Understanding the NRDA process
- Good talks and small group sessions
- Networking, ideas developed during session 3 – a lot of good ideas presented
- Networking
- Networking, case studies, NRDA 101
- Networking
- Networking
- Meeting folks from other states
- Networking with regional people, hearing about regionally related problems

- Opportunities for meeting contacts, panel discussions on the broad range of issue areas, examination of issues during small group discussions
- Listening to how people put their own spin on the NRDA problems. We all are still in our infancy on this and it is unique to hear the “branching off” of the thought process and how individual states approached their individual problems.
- NRDA 101, overview and basic NRDA information
- Small group discussions
- Small group session 1
- Meeting others in the field
- NRDA 101, HEA discussion, case studies
- The efforts undertaken to help keep group together as to provide time and encourage opportunities for networking (receptions, dinner, breaks). Need more NRDA 101 training
- Small groups were very helpful providing an open forum to discuss the process. The question is whether this will be useful after we all return to our projects.
- Presentations/Speakers
- Case studies!!!

#### **8. What aspects of the workshop were least helpful?**

- Meals were appreciated but only had limited utility for networking. It would be nice to have dinner on our own
- Because I am so new to NRDA I was lost during the second session on the first afternoon. Not everyone has years of background or a history at one site. I almost wished there was a NRDA 102 session for newbies
- The perspectives presentations were too “vanilla”
- All great. Some problems with my particular small group being helpful
- Attempt to use participants to jump start future activities – I can talk about a website and what it should include but I command no resources and have no technical background on websites. So... much hot air?
- Most presentations – information was imparted but unique learnings were sparse
- The handouts were not organized – it would be nice to have a book with blank sheets for missing presentations that we could add in later
- Talks that were just plugs for the speaker’s agency/program
- Presentation without time to ask questions
- Nothing, would appreciate more case studies
- Report backs after small group exercises should be connected in time
- The insurance topic was great, just least helpful to me
- Not sure how, as a state level response person, I can help more things forward. Disappointing that more Region 5 EPA staff did not attend
- Small group exercise
- People too locked up
- None
- Small group discussions – I just wasn’t with a very dynamic group
- Some of the small group stuff
- Third small group
- Could have had an opportunity for more open, general discussion within the larger group. Didn’t seem to be there unless you had a question from a presentation
- Seemed short (2 days). Lots of info for 2 days. One night out for dinner would also be nice for us out-of-towners
- First day small group breakout
- As is typical, some of the speakers were not very helpful
- Nothing

- Lunches – I gained weight

**9. What type of follow-up to the workshop would be most helpful (e.g., state or regional meetings, technical workshop, etc.)? Would you be willing to assist in organizing future events? If so, please include your name.**

- EPA Regional Meetings so RPMs can attend
- Best follow up for me will be contacting the people I have met here when I need their expertise
- JATS 1) OH, IN, IL. 2) MN, MI, WI
- More training on evaluation and valuation techniques and methodologies
- Technical workshop
- Yes, Ginny King. Further workshops to work out real issue: cooperative vs. collaborative injurious determination and actual integration, baseline
- Regional meetings, technical workshops
- Regional meetings
- Smaller local meetings between feds, states, PRPs
- Regional meetings seem best. Informal groups on specific issues. I would be happy to help with both (Lisa Sagan)
- Yes, Jen Lawton. Regional meeting with tech subgroups
- Regional meeting
- Yes, Kevin Faus. State or regional meetings and technical workshops
- States have difficult time with travel/conference dollars
- Regional meetings, technical workshops
- Regional meetings, but best with in-state meeting, discussions with various stakeholders. Establishing JAT or joint restoration teams and development of regional restoration plans
- Regional meetings
- Regional meeting/workshop to focus on integration and cooperation for response and restoration. Develop a model plan for conducting a NRDA action that integrates response with restoration
- An annual meeting similar to this one would be great to get/keep the momentum going. I would be happy to assist with organizing future NRDA events (Jeff Stringer)
- Technical workshop or a seminar on a specific topic or facet of NRDA (1 day)
- Again, while this workshop was VERY informative and has increased my understanding of the NRDA process and challenges, I'm not sure where I can fit in as this effort progresses (Liz Browne)
- Project training
- State, just because of funding, but would like to see more managers attend to get a better understanding of process. Would move the process along better.
- Host an annual NRD workshop for this region to get to more practitioners, maintain progress, transfer success stories
- Technical workshop for the specific topics. Regional workshops for the programmatic/networking
- Continued regional meetings
- Great Lakes JAT, annual refresher meeting
- State by state trustee meetings
- Regional meetings and state also technical workshops, once a year
- It would be most helpful to be able to access more information via the internet., i.e. something more "process oriented" rather than just about the program.
- I think a regional 1 day technical session would be good to address timely topics.

Other comments (please use the back of the page if needed):

- More actual case studies for everyone's learning experience: successful vs. less than successful or positive vs. less than positive
- I think you may have lost some valuable information by not taking notes of the reports of the break out groups and synthesizing this information. The text of the flipcharts do not capture the insights that came out of the oral presentation
- Very good workshop
- I would like to see more focus on restoration implementation not assessment process
- Excellent facility and food (but would like more protein at breakfast). Great location (Chicago) for this region. Thank you NOAA for initiating, organizing and figuring out how to fund state participants
- How the draft plans are implemented and followed up on is the question. Will there be action?
- Restoration payment process was difficult/chaotic
- Attendee list should include email addresses
- Good format overall
- Well organized and helpful. Funding was very important and appreciated. Good food and location. Thanks!