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NRDA in Action: How the Public Has Helped Shape Natural Resource Restoration

After an oil spill, the responsible parties must restore the injured natural resources, such as estuaries, reefs, wetlands, and shorelines, and compensate the public for lost use of those resources. The process of assessing the injury and planning for restoration is called Natural Resource Damage Assessment (NRDA).

Federal, state, and tribal governments, acting as "trustees" in "trustee councils," are primarily responsible for NRDA, and the public has the legal right to participate. Public participation can help ensure that injured resources are restored and that trustees address community concerns. While NRDAs do not usually involve much public input, in some cases members of the public have played an active and influential role in restoration. This fact sheet describes some of these cases.

Key lessons from past public involvement with restoration include:

- **Public input can make a difference.** By submitting comments and participating in trustee meetings, community members and organizations can influence project planning and implementation.
- **The most viable restoration project proposals include well-designed plans that fulfill restoration criteria.** Restoration project proposals are most likely to be implemented if they demonstrate an ability to restore the injured resource and meet other NRDA requirements.
- **Project implementation can be changed if it isn't working.** Community feedback and monitoring can help ensure that projects actually benefit ecosystems and communities and minimize adverse effects.
- **Members of the public can help implement projects**, especially if they have special skills and knowledge of the resource.
- **Public participation can be formalized into different types of advisory bodies.**
    - *Public advisory committees* can be established after spills occur to help ensure the NRDA process restores the injured natural resources, incorporates public input, and addresses community concerns.
    - *Independent non-profit oversight bodies* can help improve port safety and pollution control to prevent future spills from occurring.
- **Commitment and sound technical advice are key elements of success.** Independent public advisory bodies require dedicated community members to review documents and attend meetings; science advisors can help participants understand important technical information.

North Cape Spill, Block Island Sound, Rhode Island

Lobstermen shape restoration priorities and improve project implementation; citizen groups help design and implement shellfish restoration.

The oil spill killed millions of lobsters, fish and shellfish

The 1996 North Cape spill in Rhode Island released over 828,000 gallons of home heating oil into the Block Island Sound and coastal salt ponds. Thousands of seabirds died, along with millions of lobsters, fish, and shellfish, resulting in the closure of 250 square miles of fishing grounds for over six months.

Fishermen helped shape NRDA priorities

As the trustees (the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service, and the State of Rhode Island) implemented NRDA, lobstermen and shellfishermen shared their ideas and concerns. Individuals and fishermen association representatives attended meetings and submitted written and oral comments on the restoration plans. The trustees held targeted meetings with the state lobstermen's association and incorporated some of the association's comments into the restoration plan. The settlement agreement reached with parties responsible for the spill required the companies to pay for and/or implement lobster, shellfish, and salt pond restoration projects.

Lobstermen improved lobster restoration

Lobstermen helped ensure that the restoration projects were implemented effectively and with minimal adverse impact to their harvest practices. Under the initial plan, the responsible parties were required to release 1.248 million legal size female lobsters into Rhode Island and southeastern Massachusetts coastal waters. To protect them, handlers marked their fins with a "v-notch," and regulators prohibited their capture. Unfortunately, the first release of 300,000 lobsters under this plan flooded lobster grounds with uncatchable lobsters. Lobstermen spoke up at meetings and expressed their concerns about decreased catch.

Based on lobstermen input, the trustees and responsible parties revised the plan. Instead of introducing v-notched lobsters from an outside fishing area, the responsible parties reimbursed local lobstermen for catching, v-notching, and releasing local lobsters. Lobstermen collected money for each notch they turned in, and onboard observers recorded the release. In addition, lobstermen participated in a tag-recapture program to monitor the movements and egg production of the v-notched lobsters. Using data from this program, a University of Massachusetts research team determined that the restoration effort successfully met its lobster repopulation goals.


Photo Credit: NOAA

Citizens groups and volunteers helped restore habitat

To restore coastal salt ponds that were injured by the spill, the trustees worked with a citizens group to design and implement a shellfish restoration project. Over 300 volunteers helped with shellfish restoration by making shell bags, recording data, and seeding shellfish. In all, over 5 million oysters, 2 million scallops, and 700,000 quahogs were seeded as part of restoration efforts.

Chalk Point Spill, Patuxent River, Maryland

Citizens advisory committee proposes and re-views recreational and conservation projects, and educates the public about restoration requirements.

The Chalk Point spill injured wildlife and impeded recreation

In 2000, a ruptured oil pipeline running to the Chalk Point electricity generating facility in Maryland (then owned by Potomac Electric Power Company) released over 3,300 barrels of oil into a tributary of the Patuxent River. Oil spread across 40 miles of creeks and shorelines, impacting nearly 100 acres of wetlands and beaches, and killing hundreds of birds, turtles, and muskrats, as well as thousands of fish and shellfish. For several months, boating, fishing, and kayaking were prohibited or highly restricted in the river.

A Citizens Advisory Committee provided input for the restoration of natural resources and recreational uses

Several months after the spill, Maryland's governor established the Patuxent River Oil Spill Citizens Advisory Committee (CAC) to assist the NRDA trustees (NOAA, U.S. Fish and Wildlife Service, and the Maryland Department of Environment and Department of Natural Resources) throughout damage assessment and restoration, and to educate the public about the NRDA process.

Led by a former state senator, the CAC was made up of representatives from oystermen and crabber groups, local communities, environmental groups, the scientific community, local businesses, and local and state government. A representative from the Maryland Department of Natural Resources served as liaison between the CAC and the trustees, updating the CAC regularly on the trustees' progress and ensuring the trustees considered and responded to the CAC's concerns.

The Citizens Advisory Committee accomplished several things, including:

- **Suggesting independent scientists** to review the injury assessment studies.
- **Submitting ideas for restoration projects.** Some CAC members submitted project proposals that were eventually implemented. For example, some groups proposed expanding well-designed oyster restoration initiatives already underway in the region.
- **Reviewing projects** proposed in the draft restoration plans. Although the CAC did not have an official vote on the Trustee Council, the Council considered CAC recommendations in its final restoration project selections, and answered CAC questions about proposed projects. For example, although a ruddy duck habitat protection project was not popular with some CAC members because the protected habitat was not within Maryland, trustees addressed CAC concerns and explained how it met NRD requirements for restoring overall habitat of the harmed species.
- **Visiting project sites** to review and comment on site selection and project implementation.

Recreational projects for lost human use were an important form of restoration for some community members

Because the spill directly prevented use of the Patuxent River, recreational improvement projects were also part of NRD restoration. The trustees improved parks and boat ramps to enable access and use. These projects were particularly important for the boaters and kayakers who could not use the river as a result of the spill.

Exxon Valdez Spill, Prince William Sound, Alaska

Citizens organizations keep restoration on track and help prevent future pollution.

The Alaska spill injured fishing grounds and pristine coastal habitats

In 1989, the Exxon Valdez tanker spilled over 250,000 barrels of oil into Prince William Sound, Alaska. The oil covered thousands of square miles of ocean and over 1,300 miles of shoreline. Hundreds of thousands of birds and mammals were killed. Salmon, herring, shrimp, rockfish, sablefish, and crab fisheries were closed for several months. The shrimp and salmon fisheries remained closed through 1990, and the Prince William Sound herring fishery, still officially listed as "not recovering," has been closed since 1999. Many communities that depended on fishing suffered economic hardship.

Photo Credit: NOAA

A Public Advisory Committee helps keep restoration on track

As part of the legal settlement with the parties responsible for the spill, the federal govern-ment formed a Public Advisory Committee (PAC) to advise the governmental Trustee Council on how to spend the funds allotted for natural resource restoration.

The PAC is made up of representatives from commercial fishing, tourism, environmental organizations, subsistence organizations, recreation, aquaculture, sport hunting and fishing, Alaska Native landowners, and the scientific community, as well as the general public. Each representative is publicly nominated (by anyone), selected by the Trustee Council, and officially appointed by the U.S. Secretary of the Interior. In the past, local and tribal government representatives also sat on the PAC. A separate science advisory panel consults with the trustees and advises the PAC on key technical matters, and a representative from the Department of the Interior ensures that the PAC meets regularly and publicly (as required by the Federal Advisory Committee Act).

Photo Credit: Jim Brickett

The PAC provides oversight and advice on restoration projects

The PAC comments on restoration plans, reports, and budgets (both for projects and for Trustee Council operations), tracks project progress, and visits impacted communities and sites. Science advisers help answer members' technical questions about restoration projects. Although the PAC does not have a formal vote on the Trustee Council, the council listens to PAC input and responds to its comments and questions.

Through its oversight and input, the PAC has helped ensure that government agencies use settlement funds for restoration of natural resources that were harmed by the spill. It has also helped address public questions and concerns about restoration. Successful projects have included spawning ground enhancement, mussel bed restoration, clam seed planting, and habitat protection. Negative impacts from the spill persist, but many restoration projects have been successfully completed.

The Regional Citizens Advisory Councils help prevent future spills and monitor pollution

Separate from the PAC, two Regional Citizens Advisory Councils (RCACs) were formed in Prince William Sound and Cook Inlet, where major oil terminals and tankers operate. The 1990 Oil Pollution Act, which was passed in response to the spill, required the creation of the two RCACs and requires oil companies operating in the region to fund them. As independent, non-profit organizations, their mission is to reduce pollution from crude oil transportation, and their work is completely separate from the PAC.

The RCACs have more than a dozen voting board members who represent major public stakeholders in the region, including cities, villages, and groups representing Alaska Natives, conservation, tourism, commercial fishing, and aquaculture. Representatives of state and federal agencies sit as non-voting members. All member organizations and agencies appoint their own representative to the Council.

RCAC accomplishments include providing advice to Congress and developing response strategies

The RCACs monitor terminal and tanker opera-tions, conduct independent research, review and provide advice on safety standards, and advise industry and government on ways to prevent and respond effectively to spills. The Oil Pollution Act requires that federal agencies consult with the RCACs when making decisions in the region that impact the RCACs' "mission." The agencies have to consider recommendations made by the RCACs, but the RCACs have no legal authority or vote in the decision-making process. Some major RCAC accomplishments have included:

- Addressing public questions and concerns about spill risks and spill prevention measures.
- Supporting the creation of response strategies to protect vulnerable coastal areas from spills.
- Advising the U.S. Congress on double-hull requirements for oil tankers.
- Funding research that resulted in vapor controls on tankers to limit the release of dangerous fumes.
- Funding buoys that collect data for modeling the path of spilled oil.
- Helping establish a tanker escort system with tug boats to monitor conditions and assist tankers.