

**SUBJECT: NATURAL RESOURCE DAMAGE ASSESSMENT COOPERATION AND  
INTEGRATION**

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**PURPOSE AND SCOPE**

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601, *et seq.*, Executive Order 12580, and CERCLA's implementing regulations in the National Contingency Plan (NCP), 40 CFR Part 300, give the Department of Energy (DOE) three roles at DOE facilities undergoing environmental cleanup: lead response agency, natural resource trustee, and the party responsible for releases and threatened releases of hazardous substances. In addition, the NCP and the Department of the Interior's (DOI) natural resource damage assessment (NRDA) and restoration regulations, 43 CFR Part 11, require cleanup managers and natural resource trustees to coordinate and cooperate when fulfilling their respective responsibilities, with the objective of avoiding duplication of effort. This directive establishes DOE policies regarding cooperative NRDAs, restorations, and related issues at DOE sites, including the integration of NRDAs into cleanup actions. "Cleanup" means all of the activities conducted in the course of removal and remedial actions taken under CERCLA, or similar activities taken under any other environmental law applicable to DOE sites. The objectives of cooperation and integration are to minimize total life-cycle costs and facilitate the expeditious and cost-effective assessment of damages and restoration of natural resources at DOE sites.

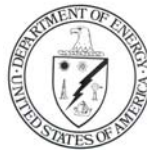
**POLICY**

- a. Cooperative Assessments – Where DOE determines that one or more natural resource(s), for which another Federal, state, or tribal entity is a trustee, has been potentially harmed by a release for which DOE may be responsible, it is the policy of DOE to participate in a cooperative NRDA. Such participation is subject to mutual agreement on the design, scope, and objectives of the proposed assessment, and the availability of funding from an appropriate funding source.
- b. Cooperation and Coordination – At sites where DOE is responsible for cleanup, and harm to natural resources has or may have occurred, it is DOE's policy to facilitate coordination and cooperation regarding the cleanup and NRDAs, restorations, and related activities. DOE is committed to early and ongoing consultation between cleanup managers and natural resource trustees. Such consultation is intended to give trustees an opportunity to provide timely review of DOE's plans for risk-assessment and remedial studies and investigations. The objective of trustee review is to provide DOE the opportunity to incorporate trustee concerns into: (1) the data-quality objectives developed for the site investigation and risk assessment and (2) the development of cleanup alternatives, decision documents, and the administrative record.
- c. Coordination with Federal Trustees – As part of its cooperation and coordination efforts, DOE is committed to working with other Federal trustees concerning natural resources on, or affected by releases from, DOE sites, to assure that interagency expertise is used

to identify, balance, and assist in fulfilling the United States' full range of potentially affected interests and responsibilities.

- d. Integration of NRDAs, Restorations, and Related Activities into Cleanup – To the fullest extent DOE determines practicable, it is DOE's policy to integrate into the cleanup process NRDAs, restorations, and related activities, including the identification, prevention, and mitigation of actual and potential natural resource harm, as well as any appropriate restoration of natural resources. Integration means that DOE will take NRDA, restoration, and related issues into consideration, including the data needs of any ongoing or future NRDA, when planning and performing site investigations, developing and evaluating cleanup alternatives, and implementing interim and final cleanup actions. As part of the integration process, DOE will encourage all affected natural resource trustees (Federal and non-Federal) to participate at every stage of the cleanup process by providing timely advice to DOE cleanup managers and the regulators, as appropriate.
- e. Preservation of Statutory Authorities – Nothing in this policy alters the respective roles and responsibilities established by any Federal statute or the NCP for response agencies, regulatory agencies, or natural resource trustees. The consideration of potential natural resource harm or enhancements in the evaluation and selection of cleanup actions must be in addition to, not in place of, the criteria established in the governing cleanup laws, and shall not supplant nor diminish the authority of cleanup regulators.

BY ORDER OF THE SECRETARY OF ENERGY:



DANIEL B. PONEMAN  
Deputy Secretary