



TRIBAL GOVERNMENTS AND NATURAL RESOURCE DAMAGE ASSESSMENT

IEc provides Natural Resource Damage Assessment (NRDA) consulting services with a unique understanding of both the state of the science and the specific challenges Tribes face when conducting NRDA. Over the last 20 years, IEC has worked with dozens of Tribes throughout the United States on hazardous substance, oil spill, and other cases. To assist Tribes in conducting NRDA, we design, plan, and conduct cultural lost use assessments; develop restoration-based claims for Tribal entities; defend Tribal claims for damages before responsible parties; and successfully recover damages for Tribal trustees. Appreciating that Tribal governments and communities vary considerably in their goals and objectives for, and approaches to, damage assessment, we listen closely to Tribal representatives to understand their specific concerns, issues, and ideas.

OUR SERVICES

- Application of leading edge economic techniques to translate reductions in natural resource services into monetary measures of damages.
- Estimation of damages based solely on the analysis of existing, readily available data.
- Expertise applying economic and other valuation techniques to assess losses and scale required restoration (e.g., applying the criteria for sound benefit transfer, conducting stated preference surveys), and applying a range of techniques to quantify injury to natural resources.
- Design and management of technical field studies that document natural resource injuries.
- Connect particular needs and concerns of Tribal trustees and the role natural resources play in indigenous communities to the regulatory requirements of NRDA.
- The ability to listen, objectively assess, and fairly articulate the needs of Tribal trustees. The success of this effort depends not only on the quality and usefulness of the final product, but on the satisfaction of the Tribes with the NRDA process.

RELEVANT EXPERIENCE

- Solid reputation working for and with a large number of Tribal governments.
- Experience with Tribal NRDA in a range of contexts. Each Tribal Nation and community is different; impacts experienced by these communities due to the release of hazardous substances can vary widely.
- Experience understanding and anticipating the criticisms and attacks that will be leveled against Tribal damage claims by responsible parties, and experience defending against such criticisms.
- Experience developing guidance for federal regulatory analyses, including guidance for the conduct of NRDA.

SPECIALTY AREAS

Hazardous Waste Sites
Groundwater Contamination
Oil Spills

PROJECT EXAMPLES

Hanford Site – This site covers 586 square miles near the City of Richland, Washington. From 1944 until 1987, nine nuclear reactors and processing facilities produced plutonium for use in the United States’ atomic weapons program. The industrial processes generated billions of gallons of liquid waste and millions of tons of solid waste. IEC spearheaded the development of the Injury Assessment Plan. In preparing the plan, IEC reviewed vast amounts of environmental data, including over a million groundwater and biological samples. We also coordinated several expert panels on a range of technical topics relevant to the assessment. Most importantly, IEC proposed and implemented a series of Tribal NRDA sessions, attended by representatives from Nez Perce, Yakama, and Umatilla, and IEC. These sessions were used to discuss issues of specific concern to the Tribal trustees at this site—in an atmosphere that allowed for open discussion—to determine options for joint positions the Tribal trustees could take, and to provide training to the Tribal entities.

St. Lawrence River – The St. Lawrence NRDA was one of the most complex and complete assessments conducted at the time, with assessment and restoration planning efforts extending over a decade. As such, IEC conducted the full range of damage assessment activities to support the Trustees. Efforts included injury determination and quantification for biota, sediment, recreational fishing, and formal assessment of changes in Tribal services. Tribal members on the St. Regis Mohawk Reservation have been negatively affected by hazardous releases from this site. The Tribe’s main focus has been on achieving the greatest cleanup possible, with a secondary goal of maintaining community connection to and use of resources until full restoration can be achieved. IEC worked with the Tribe and the responsible parties to design and implement a study to assess how Tribal relationship with and use of injured resources had changed as a result of resource contamination, distinct from the changes resulting from other factors (e.g., construction of a dam on the River, changes in unrelated community factors).

Bouchard 120 – In 2003, the barge B.120 struck a rock in Buzzards Bay, Massachusetts and released approximately 98,000 gallons of fuel oil. IEC oversaw the assessment for birds, shoreline habitat, and aquatic resources. Throughout this effort, IEC worked closely with the Trustee Council, which included the Mashpee Wampanoag Tribe, Department of the Interior, National Oceanic and Atmospheric Administration, and the States of Massachusetts and Rhode Island. We served as the lead technical experts and negotiated the scientific approach for several key injury studies. We also served as lead NRDA experts directly under contract to the Wampanoag, including supporting them in negotiations with the responsible party’s insurance carrier. Our analyses included assessing the increased costs to the Tribe’s shellfish hatchery. We also utilized information on Tribal fish and shellfish consumption rates, participation rates, and residential locations to construct a model of lost seafood harvest and consumption due to interim closure of these fisheries for a period following the spill. We then valued this lost harvest using market prices, an approach agreed to by the Tribe to facilitate settlement. Finally, we worked with the Tribe to identify and cost out several restoration options. We and our Tribal client presented this claim to the responsible party and quickly reached a partial settlement of the case that addressed Tribal concerns.

