



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

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Memorandum

To: Deputy Solicitor
Deputy Commissioner, Bureau of Indian Affairs
Director, Bureau of Land Management
Commissioner, Bureau of Reclamation
Director, Fish and Wildlife Service
Director, Minerals Management Service
Director, National Park Service
Director, Office of Surface Mining
Director, Geological Survey
Director, Office of Insular Affairs

From: Program Manager *Frank DeLuise*
Natural Resource Damage Assessment and Restoration Program

Director *William R. Taylor*
Office of Environmental Policy and Compliance

Subject: Policy for Signature of Non-Case Specific Natural Resource Damage Assessment and Restoration (NRDAR) Program-Related Documents and Documents Involving both CERCLA/OPA Response and NRDAR Program Activities

This memorandum transmits Departmental policies on signatory authorities for the subject types of documents. The NRDAR Program Executive Board has approved these policies.

Prior to the development and implementation of the new NRDAR Program structure in May 1997, which culminated in the hiring of a Program Manager and the adoption of 207 DM 6 and 521 DM 1-3, documents related to NRDAR Program activities were signed by the Director, Office of Environmental Policy and Compliance (OEPC), in fulfillment of the program responsibilities set forth in 112 DM 4.H. The adoption of the new NRDAR Program structure and 521 DM included provisions for the designation of a Bureau management official as the Authorized Official delegated the authority to act on behalf of the Secretary of the Interior to fulfill DOI's responsibilities as natural resource trustee for specific cases. There was left unaddressed the situation where a DOI signature was necessary for documents unrelated to a specific case. These non-case specific documents usually involve coordination of our NRDAR

activities (in general terms - not as related to a specific case) with other trustees.

These documents include, for example, generic or programmatic memoranda of agreement (MOA) dealing primarily with trustee coordination of NRDAR issues. Examples of these issues include notification, establishment of trustee councils, roles and responsibilities of participating trustee agencies, establishment of a general process (such as among trustee agencies within a State) for designation of Lead Administrative Trustees or Lead Authorized Officials, confidentiality, and coordination of NRDAR matters with response and remediation responsibilities (again, NRDAR matters in a general sense, not as related to a specific case). Several documents dealing with such issues are in preparation around the country. Signature of these types of documents is not addressed in 521 DM 3 which covers signature authorities for various case-specific NRDAR-related documents. An analysis of various alternatives concluded that the NRDAR Program Manager (PM) should sign these documents on behalf of DOI. The subject official is charged with representing the interests of all involved or potentially involved Bureaus and would obtain management-level (*e.g.*, Director/Regional or State Director, as appropriate) surnames from each affected Bureau/Office denoting concurrence with the terms of the document.

In addition to non-case specific NRDAR documents, there are also documents that contain aspects of both the NRDAR and CERCLA/OPA response (cleanup) programs. The Program Manager has responsibilities for the NRDAR Program under 207 DM 6 and 521 DM 1-3. The Director, Office of Environmental Policy and Compliance, has the responsibility for coordination of the Department's CERCLA/OPA response activities pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300 (NCP), under 112 DM 4, 296 DM 2, and 910 DM 4.5.B. The analysis noted above also concluded that non-case specific documents addressing aspects of both the Department's NRDAR Program and the Department's responsibilities for CERCLA/OPA response programs (cleanups) be jointly signed by the NRDAR Program Manager and the Director, Office of Environmental Policy and Compliance. These shall include documents of a generic or programmatic nature not involving a specific site or incident; including for example, coordination of NRDAR activities with other trustees, establishment of trustee councils, or establishment of MOAs between State and federal trustees. These general agreements may lead to subsequent site or case-specific decisions involving either or both NRDAR and/or CERCLA/OPA response (cleanup) decisions.

Documents not included in this policy are those that involve only the Department's CERCLA/OPA response activities. Examples include documents that involve the Department's responsibilities revolving around its participation on the National or Regional Response Teams, such as approval of preauthorization plans for the use of specific cleanup technologies (*e. g.*, dispersant use or in situ burning). Other documents not included involve non-case specific aspects of the Superfund/Federal Facilities Programs that do not directly involve NRDAR activities but mention responsibilities of natural resource trustee agencies.

Policy: Effective immediately, the NRDAR Program Manager will sign generic, programmatic,

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