



Enbridge Oil Spill Natural Resource Damage Assessment

Criteria for Selection of Restoration Projects

In July 2010, a pipeline owned by Enbridge Energy near Marshall, Michigan ruptured, discharging crude oil into a wetland adjacent to Talmadge Creek. The oil flowed through Talmadge Creek into the Kalamazoo River, a tributary to Lake Michigan. The oil flowed down the river and into its floodplain for approximately 38 miles to Morrow Lake. The affected area of the Kalamazoo River is bordered by wetlands, floodplain forest, residences, farmland, and commercial properties.

Under the Oil Pollution Act (OPA), federal, state and tribal agencies, also called “Trustees,” are authorized to assess natural resource impacts resulting from a discharge of oil, and develop and implement a plan to restore the impacted resources. The purpose of this effort is to ensure restitution for the injuries to natural resources and the services they provide. Restitution may take the form of resource restoration, rehabilitation, replacement, or acquisition of equivalent natural resources and/or services. Projects should not substitute for legally mandated requirements and restoration projects that would otherwise occur.

For the Enbridge case, the Trustees are:

- National Oceanic & Atmospheric Administration
- Bureau of Indian Affairs
- U.S. Fish and Wildlife Service
- Michigan Department of Environmental Quality
- Michigan Department of Natural Resources
- Michigan Attorney General
- Nottawaseppi Huron Band of the Potawatomi Tribe
- Match-E-Be-Nash-She-Wish Band of the Pottawatomi Tribe.



*Workers cleaning oil from Kalamazoo River floodplain, August 2010.
Credit: MDNR.*

Natural resource damage regulations under OPA require us to consider six criteria when evaluating restoration options. The Trustees for this case will use the criteria to select restoration projects and project locations that will reflect the geographic area affected by the spill and address the diversity of resource injuries that resulted from it.

If the Trustees conclude that two or more alternatives are equally preferable based on these factors, the trustees will select the most cost-effective alternative.





Kalamazoo River at Ceresco Dam, August 2010. Credit: MDNR.

Restoration Project Selection Criteria

We will base our selection of restoration projects on the following six criteria:

1. Relation to natural resource injuries and service losses

We will evaluate the degree to which a project helps to return injured natural resources and services to conditions that were present prior to the spill, or compensates the public for interim service loss. Projects should demonstrate a clear relationship to the resources and services injured. Projects located within the area affected by the spill are preferred, but projects located within the Kalamazoo River watershed that provide benefit to injured resources in the affected area will also be considered. The Trustees will aim for a diverse set of restoration projects and project locations, addressing an array of resource injuries.

2. Avoidance of adverse impact

We will evaluate projects for the extent to which they prevent future injury as a result of the incident and avoid collateral adverse impacts. All projects should be in compliance with all laws and regulations prior to implementation.

3. Project cost and cost effectiveness

We will consider short- and long-term costs of a project against the relative benefits to natural resources and service losses. Projects that return the greatest and longest lasting benefits for the cost will be preferred. Trustees will also consider the time necessary before project benefits are achieved, and the sustainability of those benefits. Projects will be reviewed for their public acceptance and support, and consideration given

to projects that leverage the financial resources of partner organizations.

4. Likelihood of success

We will consider the technical feasibility of achieving restoration project goals and take into account the risk of failure or uncertainty that project goals can be met and sustained. Trustees will generally not support projects or techniques that are unproven or projects that are designed primarily to test or demonstrate unproven technology.

5. Multiple resource and service benefits

We will consider the extent to which projects provide benefits that address multiple resource injuries or service losses, or that provide ancillary benefits to other resources or resource uses. Projects that provide multiple benefits will be preferred.

6. Public health and safety

We will ensure that projects will not pose an unacceptable risk to public health and safety.

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