



DEPARTMENT OF THE NAVY

ENGINEERING FIELD ACTIVITY, NORTHEAST
NAVAL FACILITIES ENGINEERING COMMAND
10 INDUSTRIAL HIGHWAY
MAIL STOP, #82
LESTER, PA 19113-2090

IN REPLY REFER TO

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EV23/JS

15 August 2001

Mr. Harry Seveney, Chair
Aquidneck Island Citizens Advisory Board (AICAB)
Portsmouth, Rhode Island 02871

Dear Mr. Seveney:

SUBJECT: NATURAL RESOURCE INJURIES (NRI), NAVAL STATION
NEWPORT, RI

Thank you for your letter of June 20, 2001 regarding injuries to natural resources and the Department of Defense (DOD) policy of May 2, 2000. I have also had the opportunity to discuss your letter with members of your board. I would like to clarify AICAB's understanding that DOD's policy prohibits the Navy from using DERA funds to address natural resource damages. As stipulated in the DOD interim Policy on Integration of Natural Resource Injury Responsibilities and Environmental Restoration Activities it is important to distinguish between natural resource "injury" and natural resource "damages". The policy authorizes components to investigate and address natural resource injuries as part of the overall remedy (cleanup) for the site utilizing DERA funding. Natural Resource Damages, on the other hand, refer to compensation sought for injury to natural resources as determined by a Natural Resource Damage Assessment (NRDA). The DOD policy does not authorize components to address damage assessments during the RI/FS process.

Your letter also states that the Aquidneck Island Citizen's Advisory Board (AICAB) concurs with other Trustees (RIDEM, NOAA and U.S. Fish and Wildlife) with the use of the negotiated settlement process. The Navy does not oppose the negotiated settlement process. If a Natural Resource Trustee were to file an NRDA claim, the Navy, through the Department of Justice, would address such a claim, and it is likely, as is the case in most lawsuits, that a negotiated settlement would be discussed among the lawyers representing the various parties. However

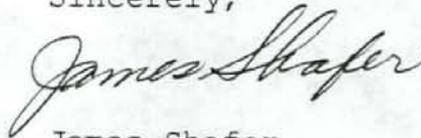
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NRDA claims are usually determined after the remedy for a site is completed and as previously stated would be handled as a litigation action with any payment awarded from the Judgement fund.

We appreciate your interest and support offered on the Naval Station Newport Installation Restoration Program. We are happy to answer any questions you may have regarding NRDA or the IR program. Please contact me at telephone (610) 595-0567 extension 241, if I can be of any further assistance.

Sincerely,



James Shafer
By direction of the
Commanding Officer

Copy to:

M. Griffin, NSN
P. Kulpa, RIDEM
K. Finkelstein, NOAA
B. Schafer, OGC, (ASN)
F. LaGreca, (EFANE)