

Trustee Coordination and Consultation



Natural Resource Trustees

CERCLA & CWA as amended by OPA 90

- Commerce (delegated to NOAA)
- Interior
- Agriculture
- Energy
- Defense (includes ACOE)
- States
- Tribes

Trust Natural Resources

- Natural resources are defined as land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the U.S. (including the resources of the exclusive economic zone), any State or local government, Indian Tribe, or any foreign government. Federal, State and Indian Tribes may, and often are co-trustees for the same natural resource.

Consultation Requirements

w/the Resource Agencies

- Fish and Wildlife Service – FWCA, ESA-Sec 7
- National Marine Fisheries Service – FWCA, ESA-Sec 7, EFH
- State Fish and Game - FWCA
- Tribes – Corps Tribal Policy Principals
- SHPO/THPO – NHPA-Sec 106
- EPA – CWA-Sec 404 oversight

Trustee Coordination

- Represent entire range of interests and expertise – broader perspective
- Provide specific recommendations pertaining to permit terms and conditions
- Buy-in to the process – ownership of the product