

USACE ENVIRONMENTAL REMEDIATION/ECOSYSTEM RESTORATION
CONFERENCE
16 - 20 APRIL 2001

ABSTRACT
UNDERSTANDING THE USACE ROLES AND RESPONSIBILITIES
FOR NATURAL RESOURCES UNDER CERCLA

In the environmental arena, there is an increased focus on natural resources injury and the collection of natural resource damages as authorized by CERCLA. This presentation will discuss what we need to understand in determining what is the USACE role and in meeting the responsibilities of that role in this area.

USACE can serve in at least three roles when meeting its natural resource responsibilities under CERCLA: 1) as the lead agency in responding to the release of hazardous substances into the environment which potentially damage natural resources; 2) as a potentially responsible party for damages to natural resources caused by DOD or USACE releases of hazardous substances into the environment; 3) as a trustee under CERCLA who acts on behalf of the public to recover for damages to natural resources under USACE control when such damage resulted from the release of a hazardous substance. In discussing the responsibilities of each of these roles, this presentation will highlight the legal concerns that must be addressed. It will also identify the problems that may be experienced and explain what needs to be understood to better meet these challenges. This discussion will include examples of Corps and other Federal experiences in CERCLA natural resources litigation and settlements to assist in more successful future resolution of these cases.

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