

**KERR-MCGEE CHEMICAL CORP. SITE – NAVASSA**  
**NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION**  
**NAVASSA, NORTH CAROLINA**

**Scoping Document for Restoration Planning**  
**For Public Review and Comment**

August 4, 2015

Prepared by  
The Natural Resource Trustee Council  
for the  
Kerr-McGee Chemical Corp. Superfund Site in Navassa, NC

# **Kerr-McGee Chemical Corp. – Navassa Site Scoping Document for Restoration Planning**

## **I. Purpose of the Restoration Scoping Document**

The purposes of this Restoration Scoping document are to 1) present restoration project eligibility and evaluation criteria and 2) solicit input from the public and interested stakeholders on the restoration project concepts proposed by the Trustee Council and any additional restoration activities with potential to meet the objective of restoring natural resources affected by the release of hazardous substances at and from the Kerr-McGee Chemical Corp. Superfund Site in Navassa, NC (hereafter Site).

This scoping document also includes information on the Kerr-McGee environmental settlement agreement, the release of hazardous substances at and from the Site, the natural resource injuries resulting from that release, and an explanation of the restoration planning process.

Review of the information about the Site and the proposed restoration concepts described in this scoping document is intended to promote public and stakeholder involvement in the restoration planning process.

## **II. Introduction**

Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, 42 U.S.C. §§9601-9675) and associated implementing regulations, federal and state representatives are authorized to act on behalf of the public as Natural Resource Trustees (the Trustees) for natural resources under their respective trusteeship. (See generally, 40 C.F.R §300-600- §300.615)

At the Kerr-McGee Chemical Corp. Site located in Navassa, North Carolina, the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce, the U.S. Department of the Interior (DOI) through the U.S. Fish and Wildlife Service (USFWS), and the State of North Carolina through the North Carolina Department of Environment and Natural Resources (NCDENR) are the designated Trustees for the natural resources injured by the releases of hazardous substances at and from the Site. Under federal laws and implementing regulations, Trustees are authorized to 1) assess and quantify the injuries sustained to the natural resources by the releases of hazardous substances and any subsequent loss of resource services, 2) recover damages (i.e., monetary compensation for the injuries), and 3) use the recovered damages to restore, rehabilitate, replace, or acquire the equivalent of the affected natural resources and/or their services. (See generally 43 C.F.R. Part 11). This authority and process described above is known as Natural Resource Damage Assessment and Restoration (NRDAR).

In this case, the natural resource injury assessment activities were discontinued as a result of the Tronox, Inc. bankruptcy in 2009. The Trustees jointly filed a natural resource damages claim in the

bankruptcy proceedings seeking monetary compensation for injuries to the aquatic environment, and the natural resources dependent upon the aquatic environment, caused by the release of creosote at and from the Site. The successful resolution of the bankruptcy, and associated litigation, provided the Trustees with over \$23 million (herein referred to as “restoration funds”) to be used to restore, replace, rehabilitate, or acquire the equivalent of the injured natural resources and the services they provide.

Now having recovered the restoration funds from Kerr-McGee, the Trustees are initiating the restoration planning process for the Site. (See generally 42 U.S.C. § 9611(i) and 43 C.F.R. § 11.93). As described more in Section V., during the restoration planning process the Trustees identify, evaluate, and select restoration projects that meet certain regulatory requirements which they propose to implement with the available restoration funds.

#### *Relationship between Response Action and NRDAR*

In 2010, the United States Environmental Protection Agency added the Site to the National Priorities List (NPL). The NPL is the list of hazardous waste sites in the United States eligible for long-term remedial action (cleanup) financed under the federal Superfund program. Generally the response actions address risks to human health and the environment from contamination while the focus of NRDAR is to return natural resources and the services they provide to their baseline condition (i.e., the level of services that would have existed but for the release). The Trustees have and will continue to coordinate their restoration activities with removal and response actions (“clean up”) to be performed by the Environmental Protection Agency and NCDENR. Information on Superfund response activities at the Site can be found at: <http://www.epa.gov/region4/superfund/sites/npl/northcarolina/kerrmcgnc.html>.

For additional information about the Superfund cleanup, contact the EPA Remedial Project Manager, Erik Spalvins at 404-562-8938, the EPA Community Involvement Coordinator, LaTonya Spencer at 404-562-8463.

### **III. Site Background**

The Kerr McGee Chemical Corp. Superfund Site, which is located in Navassa, NC, is a former creosote wood-treating facility located approximately seven miles northeast of Wilmington, NC. (Figure 1) The Site encompasses a 250-acre parcel bound by the Brunswick River to the east and Sturgeon Creek to the south. The facility was established in 1936 and was operated by multiple owners until its final proprietor, the Kerr-McGee Chemical Corp. (Kerr-McGee), ceased operations in 1974. During this period, wood treating activities resulted in the releases of contaminants associated with creosote into the soils, groundwater, and marsh sediments of the Site. Kerr-McGee dismantled the facility in 1979, and in 2006 the Site was transferred to Tronox, Inc.

Contamination is highest in the former process area of the Site, where lumber was pressure treated with creosote. Contamination is also found in other areas of the site including soils in the upland areas where

the creosote-treated wood was stored, groundwater, and marsh sediments. Two wastewater ponds and five other surface impoundments were utilized during various periods at the Site. During the Site dismantling, surface impoundments were either drained or breached and creosote sludge and other waste solids were blended with clean soil, compacted in the bottom of former wastewater ponds and covered with clean soil prior to seeding. The majority of the Site's groundwater flow is in a southerly direction into the brackish marsh fringing Sturgeon Creek. A portion of this fringe marsh has been impacted by contamination from the upgradient process area and groundwater. In addition, several historic drainage swales likely also delivered stormwater runoff from the contaminated process areas into this marsh.

Habitats found at the Site include forested terrestrial uplands, tidal marsh (bordering the south and east uplands), and riverine (Sturgeon Creek and the Brunswick River) areas. Significant natural resources present in the vicinity of the Site include the federally-endangered shortnose sturgeon (*Acipenser brevirostrum*) and Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) and important migratory bird and anadromous fish habitats.

Figure 1. Location of the Kerr McGee Chemical Corp. Superfund Site in Navassa, NC



#### IV. The Damage Assessment Process

In 2009, due to time constraints imposed by the Tronox bankruptcy, the Trustees used available data previously collected for the remedial investigation process and focused on substances that were likely drivers for injuries to natural resources under the jurisdiction of the Trustees. As such, the natural resource damage assessment was based solely on polycyclic aromatic hydrocarbon (PAH) concentrations found in tidal marsh sediments to the south of the Site. PAH describes a defined set of chemicals that are often found together in groups of two or more and are a major contaminant associated with wood-treating.

The Trustees determined that the contaminant levels present in the Site sediments were sufficient to cause harm to the organisms living within, upon, or closely associated with those sediments, or otherwise adversely affect the ecological services provided by the habitat. This habitat, which is associated with the bottom of a body of water is commonly known as benthic habitat, and includes bottom dwelling species such as invertebrates and fish. Therefore, benthic resources were identified as an injury category and retained for further analysis. The rationale behind this decision was twofold.

First, injury and subsequent restoration scaling to the benthic community could be conducted in a timely and cost-effective manner, which was important because a protective injury assessment had to meet the timelines of the bankruptcy case. Second, restoration for benthic injury would provide additional ecological service flows to other resources (e.g., fish, birds, and wildlife) potentially injured at the Site but beyond the scope of the expedited injury assessment. Therefore, utilizing their best professional judgment, the Trustees reasonably chose to focus their injury assessment efforts on benthic resources as a direct injury and proxy for ecological services and systems dependent upon a healthy benthos.

Injury to benthic invertebrates associated with the marsh at the Site was assessed by screening available data gathered during the remedial investigation process against sediment quality guidelines (SQG) for assessing effects to benthic invertebrates (MacDonald 1994; Long et al. 1995; Long and MacDonald 1998; Swartz 1999).

## **V. The Restoration Planning Process**

Pursuant to Section 111(i) of CERCLA, the next step in the NRDAR once restoration funds are recovered is the development of a restoration plan. This Scoping document is the first step in the restoration planning process, which will ultimately be developed into a restoration plan(s).

The restoration project concepts contained below were identified during a survey of the geographic area, which included restoration opportunities in close proximity to the Site as well as others throughout the Lower Cape Fear River Basin that have a connection to the natural resource injuries. A Trustee Restoration Workgroup canvassed various agencies, non-governmental organizations, and private groups (Appendix A) to identify restoration project concepts that satisfy NRDAR regulatory project eligibility requirements. (See e.g., 43 C.F.R. § 11.82(d))

The Trustees developed eligibility criteria and evaluation criteria as they identified potential restoration projects. **Eligibility criteria** are specified in the CERCLA NRDAR regulations and serve as an initial screening tool to identify restoration alternatives that qualify for Trustee consideration. **Evaluation criteria** are defined by the Trustees, specific to the Site, and are designed to assist the Trustee Council, and the public, with their evaluation and comparison of the proposed eligible restoration alternatives and the likelihood that the proposed projects will meet the goals of restoring the injured natural resources and services.

### ***Eligibility Criteria***

*Projects can effectively meet restoration goals and objectives.* Projects must advance the goal of providing resources and services of the same type, quantity, and quality to those lost due to the hazardous substance releases at and from the Site. Projects must restore, rehabilitate, replace, or acquire natural resources and their services equivalent to natural resource injuries or losses through

restoration and/or conservation actions within the lower Cape Fear River Basin or other areas deemed appropriate based on an established link to the resources that were injured.

*Delivers benefits cost-effectively.* The benefits of a project relative to its cost are a factor in evaluating restoration alternatives. The Trustees will consider the total cost of the project and the availability of any matching funds or in-kind services that could be contributed towards the project. Factors that can affect the costs of implementing the restoration alternatives may include project location, project scale (e.g., sometimes larger projects are more cost effective due to economies of scale), complexity of construction and access to the restoration site (e.g., limitations associated with heavy equipment, steps needed to obtain access to a site), acquisition of state or federal permits, and the potential liability from project construction.

*Has a high probability of success.* The Trustees consider technical factors that represent risks to successful project construction, successful project function, and the long-term viability of the restoration project. For example, the Trustees consider: whether project sites are adequately protected; if difficulties in project implementation are likely; if projects have the potential to be self-sustaining; and, whether long-term maintenance of project features is likely to be necessary and feasible. Alternatives that utilize unproven methods, or are susceptible to future degradation through contaminant releases or erosion are considered less viable. The Trustees consider the capacity and track record of project proponents and teams. The Trustees also view projects that are sustainable, with a reasonable time period for operation and maintenance at a reasonable cost, more favorably.

*Provides measurable results.* A project must deliver tangible and specific resource restoration and/or protection results that are identifiable and measurable, and that will be quantitatively expressed. Projects with high potential to successfully conclude after defined monitoring and maintenance periods are viewed favorably by the Trustees, given their need to restore natural resources and services in a reasonable period of time and to meet defined performance goals.

*Avoids collateral injury to natural resources as a result of implementing the alternative.* Restoration actions should not result in additional significant losses of natural resources and should minimize the potential to affect surrounding resources during implementation. Projects with less potential to adversely impact surrounding resources are generally viewed more favorably. Compatibility of the project with the surrounding land use and potential conflicts with any endangered species are also considered.

*Ensures protection of human health and safety, and/or is not prohibited by federal, state, or local laws, regulations, or policies addressing public health and safety.* Projects that would negatively affect public health or safety are not eligible.

*Is not otherwise required.* The project must not otherwise be required by federal, state, or local law, including but not limited to enforcement actions or regulatory compensatory mitigation requirements. The restoration activity is not subject to an independent, prior obligation to perform the action or

activity pursuant to statute, regulation, ordinance, consent decree, judgment, court order, permit condition, memorandum of agreement, or contract.

*Is compatible with the remediation process.* As described earlier, remediation and/or clean-up of the Kerr McGee Navassa Site is a separate action from the NRDAR process and is currently in the planning stages. The Trustees cannot select a NRDAR action that would be negatively impacted by any remediation activities, or would adversely affect any ongoing or anticipated remedial actions at the Site. Similarly, restoration projects that complement or are designed to be compatible with remedial activities are encouraged.

### ***Evaluation Criteria***

The Trustees have discretion to develop evaluation criteria, that go beyond the eligibility criteria specified in the regulations, to help guide them and the public as they develop, evaluate, select and prioritize restoration alternatives. The Trustees have developed evaluation criteria for this Site to facilitate the restoration scoping and selection process:

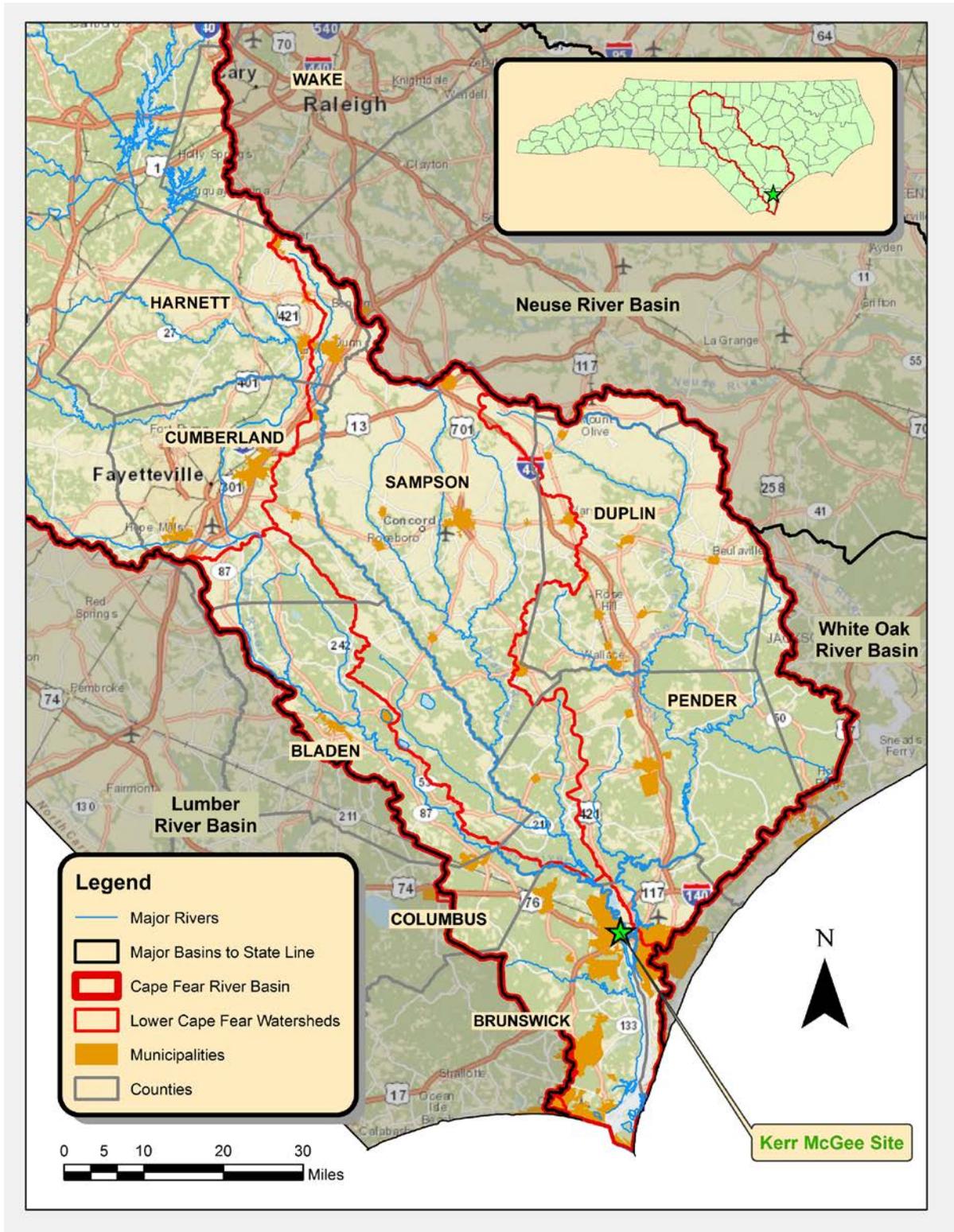
- *Preference for Projects in the Lower Cape Fear Watershed.* The Trustees have approached restoration planning with the view that the injured benthic invertebrates and lost services they provide are part of an integrated ecological system and that the Lower Cape Fear River watersheds (figure 2) area represents the relevant geographical area for Site restoration actions. Although areas outside of this are considered less geographically relevant for implementation of restoration alternatives, they may be appropriate for consideration provided there is an established link to the resources that were injured. This helps to ensure the benefits of restoration actions are related, or have an appropriate nexus, to the natural resource injuries and losses.
- *Preference for projects with a strong relationship to injured resources* (e.g., projects that benefit similar species or habitats as those injured by the release), geographically proximate to where the natural resource injuries and service losses occurred, capable of compensating for benthic injury and providing improvement to species dependent on benthic habitat);
- *Preference for projects where similar habitat functions and/or ecosystem services are benefited* (e.g., benthic productivity, benthic diversity and abundance, fisheries productivity, water quality/nutrient cycling);
- *Preference for projects that benefit more than one natural resource and/or service* (e.g., inter-related natural resource service benefits, greater net service benefit or uplift); and
- *Preference for projects with a high degree of resource benefit* (e.g., large-scale uplift of resource and habitat function and values, long term benefits).

- *Preference for projects with conservation significance* (e.g., unique and rare benefits, high degree of land use conversion threat, provides protection to adjacent habitats, identified as a priority in existing planning efforts);
- *Preference for projects that demonstrate an advanced level of planning and development* (e.g., willing sellers, engineering and design planning underway, permitting and regulatory compliance needs and timing are addressed in the project proposal and/or planning process)
- *Preference for projects that leverage existing resources and capacity* (e.g., partnerships, matching funds and/or in-kind services that could contribute to the project; and
- *Preference for projects that are consistent with or complementary to existing environmental planning documents and goals* (other restoration planning efforts, watershed or regional plans, etc.).

The evaluation of restoration alternatives according to the above criteria involves a balancing of interests in order to determine the best way to meet the restoration objectives. The Trustees will use eligibility criteria and evaluation criteria to develop a reasonable range of restoration alternatives to identify and evaluate and, ultimately, to select preferred restoration alternative(s) for implementation with the restoration funds received.

The Trustees also recognize the importance of public participation in the restoration planning process, as well as the consideration of the projects presented by the community. The Trustees are seeking public input on the restoration project concepts described herein as well as soliciting additional project concepts not included in Section VI that members of the public believe might also meet the project selection criteria set forth above.

Figure 2. Watersheds of the Lower Cape Fear River Basin



## VI. Potential Restoration Project Categories and Concepts

Examples of potential restoration project categories and concepts are presented in Table 1 and are being considered by the Trustees as the NRDAR process progresses. The Trustees consider these categories of restoration as the most appropriate for the purposes of restoring, rehabilitating, replacing or acquiring the equivalent of the natural resources and their services that were injured or lost, as required by law, as a result of the releases of hazardous substances at and from the Site. Restoration categories and concepts may be added or deleted at any time during the restoration planning process, until the NRDAR process concludes and a restoration plan is finalized.

Table 1. Restoration categories and concepts consistent with restoration eligibility and evaluation criteria

Restoration Categories	General Description and Examples of Restoration Project Concepts
Land Acquisition / Protection	<p>Acquire and protect environmentally sensitive land to avoid habitat loss or degradation. For example:</p> <ul style="list-style-type: none"> <li>• Fee simple purchase of environmentally sensitive land that is vulnerable to a significant threat of development</li> <li>• Purchase of conservation easements on environmentally sensitive land that is vulnerable to a significant threat of development</li> </ul>
Fish Passage	<p>Create or enhance opportunities for migratory fish to reach priority habitats. For example:</p> <ul style="list-style-type: none"> <li>• Dam removal, notching, or breaching</li> <li>• Rock rapids creation and nature-like fishways</li> <li>• Fish ladders, perched culvert removal</li> <li>• Levees and other barriers to migration</li> </ul>
Benthic Habitat	<p>Create and enhance underwater, intertidal or shoreline habitat that directly benefits fish and/or invertebrates. For example:</p> <ul style="list-style-type: none"> <li>• Create/restore oyster reefs</li> <li>• Create/restore artificial reef substrate (e.g., patch reefs)</li> <li>• Create/restore fish spawning and rearing areas</li> <li>• Submerged Aquatic Vegetation (SAV) restoration</li> </ul>

Coastal Marsh	<p>Create, restore, or enhance wetlands. For example:</p> <ul style="list-style-type: none"> <li>• Tidal-Freshwater marsh restoration</li> <li>• Freshwater marsh restoration</li> <li>• Saltmarsh restoration</li> <li>• Forested Wetland restoration</li> </ul>
Riverine Habitat	<p>Create, restore, or enhance riverine habitat. For example:</p> <ul style="list-style-type: none"> <li>• Improve the hydrology, water quality and/or habitat of tidally influenced streams</li> <li>• Floodplain habitat creation or restoration</li> </ul>

Additional detail regarding the potential project concepts follows:

*Land Acquisition / Protection*

Land acquisition involves the purchase of lands or conservation easements with an accompanying change in land management to ensure that future use of such lands are compatible with preservation and conservation of its environmental functions, as well as public land management objectives. Land acquisition or conservation easements, combined with restoration and enhancement, have the capacity to protect and improve water quality, provide improved wetland habitats that support fish and invertebrates, and enhance the recovery of endangered and rare species. Acquired properties may provide public access for recreational activities including, but not limited to, bird watching, hunting, nature photography, hiking, fishing, kayaking, and picnicking, provided the natural resources are not harmed by these activities.

Lands considered for acquisition should be of similar habitat type(s) and/or provide similar habitat function(s) and/or ecosystem service(s) as those injured by releases at or from the Site and subject to a significant threat of development. The property proposed for acquisition should: be of high quality and/or conservation value; provide sensitive or unique attributes; and, be obtainable from willing property owners with reasonable effort and at a reasonable cost. Finally, it must be shown that other regulatory controls are not sufficient to prevent substantial impairment to the land and ecosystem services proposed to be acquired and/or protected.

### *Fish Passage*

Fish passage projects that provide opportunities for migratory fish to reach upstream habitats may potentially increase fish populations by improving reproduction opportunities. Additionally, removing barriers may provide a myriad of important aquatic resource benefits synonymous with a free-flowing river. Targeted fish passage projects can help to promote recovery of rare species (including the federally listed endangered Atlantic and shortnose sturgeon) and movement and dispersion of other migratory fish and aquatic species.

Dams and associated impoundments may also provide important community services such as water supply facilities, power generation, and flood mitigation. Potential fish passage projects should balance community needs and perspectives and the potential for disruption of existing services with restoration goals and ecological service benefits. Proposed projects are considered favorably by the Trustees when they are supported by community stakeholders.

### *Benthic Habitat*

Benthic habitat restoration includes the re-establishment or creation of submerged aquatic vegetation (SAV) or hard substrate such as three dimensional structures in open water, on shorelines, or in intertidal areas for the purpose of encouraging colonization of productive invertebrate and fish communities. Restoration actions of this nature could be located in brackish, estuarine or freshwater areas in the vicinity of the Site and could include activities such as construction of oyster reef, placement of substrate to encourage fish spawning, or re-vegetation of seagrass beds. The Trustees' preference is to use native materials to establish habitat substrate; however, artificial materials, such as concrete or oyster domes may be utilized, subject to consistency with government regulatory and/or resource enhancement programs.

Reef structures can provide fish habitat, contribute to improving localized surface water quality, enhance recreational opportunities, and result in the production of new fishery biomass. Encrusting or fouling communities such as sponges, bryozoans, corals, oysters and mussels will rapidly colonize hard, artificial reef substrates and such habitats will attract fish. Created reef areas can enhance the availability of prey items or create new foraging opportunities. Schooling fish associated with reefs, for instance, provide prey items for larger fish species and intertidal or shallow reefs will support worms, crabs, shrimp, small fish and other organisms which are a forage base for wading and shore birds. While artificial reef structures primarily serve to provide three dimensional habitat for fish and other aquatic fauna, they may also provide important water quality benefits as well as foraging habitat for birds in areas where tidal fluctuations result in intermittent exposure of reef substrates.

### *Coastal Marsh*

Restoration and creation of tidal freshwater marsh, freshwater marsh, salt marsh and forested wetlands in coastal areas often involves the re-establishment of hydrologic regimes to previously converted wetlands, and/or returning disturbed vegetative communities back to an original or more desirable community structure. Restoration, enhancement and creation of coastal marsh is a proven and successful strategy for achieving higher levels of function in the types of habitat considered critical to the life history of benthic invertebrates, many species of fish, and other aquatic biota found in the estuary. Restoring marsh areas is beneficial to the recruitment and production of species such as shad, striped bass, menhaden, blue crab and juvenile shrimp in the estuarine environment.

### *Riverine Habitat*

Intact riparian ecosystems provide many functions including nutrient uptake, runoff filtration, thermal regulation, bank stability and input for aquatic food webs. These functions are essential to maintaining water quality, supporting aquatic species survival, and increasing biological productivity. Additionally, riparian buffers sometimes provide fish and wildlife habitat and flood attenuation. Riparian buffer establishment and rehabilitation is an efficient and cost-effective approach to protect and maintain water quality and provide benefits to fisheries.

Stream restoration generally addresses the impaired physical, chemical, and biological functions of streams. Stream restoration can address impacts of historic channelization, instability from watershed alterations, and other forcing mechanisms. When physically unstable streams are restored, fine sediment and nutrient loadings to receiving waters are reduced. Increased water quality improvement can be emphasized by integrating wide riparian buffers and stormwater best management practices (BMPs) into stream restoration projects.

The above restoration categories and concepts represent a broad overview of potential restoration activities and habitats in the Lower Cape Fear basin with links to injuries at the Site. The Trustees welcome information to assist in identifying additional categories and concepts, as well as activities, techniques, and projects that serve to restore the injured resources.

## **VII. PUBLIC PARTICIPATION**

The Trustees are responsible for conducting public participation activities. Public participation in the restoration planning process is both desirable and necessary, and regular communication with the public is an important part of preparing and implementing the restoration plan for this Site. (See generally, 43 C.F.R. § 11.93). The goals of the public restoration planning process are to:

- Inform the public of the need and opportunity to conduct restoration;
- Present the public with the Eligibility Criteria and Evaluation Criteria that the Trustees will use to identify, evaluate, and, ultimately, to select preferred projects for implementation;

- Involve the public in the restoration scoping and planning process;
- Invite the public's review of restoration project concepts presented in this scoping document;
- Solicit additional restoration proposals and concepts from the public that meet the eligibility and evaluation criteria;
- Identify issues of concern to the public related to restoration planning; and
- Keep the public informed of restoration developments and progress.

#### *Public Meeting*

The Trustees will be hosting a public meeting at the Navassa Community Center, 338 Main St. Navassa, NC 28541 on Tuesday, August 18<sup>th</sup> 2015 at 6 p.m. At this meeting the Trustees will present a brief overview of the Site, the restoration planning process and this scoping document. Further information regarding the Kerr McGee restoration planning and other Trustee activities will be periodically updated on the Site's website at <http://darrp.noaa.gov/hazardous-waste/kerr-mcgee-chemical-corp> and through press releases, when appropriate.

#### *Written Comments/ Project Proposals*

Written comments are encouraged. Comments on this scoping document, the proposed restoration project concepts described in this document, and/or any additional restoration proposals or project suggestions are requested to be submitted to the Trustees by September 4, 2015. For project proposals, please include the following information (if available):

- a) Proposed project title;
- b) Point of contact for additional project details and coordination;
- c) Location of the proposed restoration project (e.g., town, river or tributary reach) and map;
- d) Restoration project category (see Table 1 under "Restoration Alternative");
- e) Details about the proposed project's nexus to the injured benthic community (as described in Section I);
- f) Estimated costs (including implementation and performance monitoring expenses);
- g) Anticipated natural resource and/or resource service benefits;
- h) Timing (duration relative to implementation, etc.);
- i) Potential to benefit more than one natural resource and/or service; and
- j) Matching funds or in-kind services, if any.

Comments and project proposals submitted to the Trustees will be considered a matter of public record and releasable under the Freedom of Information Act. Project concepts become public property once they are submitted to the Trustees.

The Trustees are not required to select or coordinate with the specific entity that proposed a project concept or that was proposed by the project proponent to lead or implement a project proposal.

Please send comments and/or project proposals to [KerrMcGee.Restoration@noaa.gov](mailto:KerrMcGee.Restoration@noaa.gov) or the agency contact below.

*Agency Contact:*

*Howard Schnabolk  
National Oceanic & Atmospheric Administration  
Restoration Center  
2234 South Hobson Avenue  
Charleston, SC 29405  
843-740-1328  
KerrMcGeeRestoration@noaa.gov*

*Future Public Comment Opportunities*

Once the public scoping process concludes, the Trustees will provide a synopsis of the public comments received. In addition to the opportunity for the public commenting on this scoping document and/or submission of additional project concepts, future public notice and public participation opportunities will include, at a minimum, commenting on the draft restoration plan(s) <sup>1</sup>.

At the completion of the scoping process, the Trustees will evaluate the proposed restoration projects identified through the scoping process, and prepare a draft restoration plan(s). As they develop the restoration plan the Trustees may provide additional information or proposals to, or solicit additional information and proposals from, the public (e.g., additional public input sessions, meetings with stakeholders, requests for letters of interests or proposals). Upon completion of the Draft Restoration Plan, the Trustees will make the document available to the public and provide a minimum of 30 days for the public to review and comment upon the Draft Restoration Plan(s). After considering any public comments they receive, the Trustees will publish a Final Restoration Plan.

---

<sup>1</sup> Phased restoration plans may be deemed appropriate by the Trustee Council for achieving restoration.

## References

Long, E.R., D.D. MacDonald, S.L. Smith, F.D. Calder. 1995. Incidence of Adverse Biological Effects within Ranges of Chemical Concentrations in Marine and Estuarine Sediments. *Environ. Mgmt.* 19(1):81-97.

Long, E.R. and D.D. MacDonald. 1998. Recommended uses of empirically derived, sediment quality guidelines for marine and estuarine ecosystems. *Human and Ecol. Risk Assem.* 4:1019-1039.

MacDonald, D.D. 1994. Approach to the assessment of sediment quality in Florida Coastal Waters. Report to FL Department of Environmental Protection, November, 1994.

National Oceanic and Atmospheric Administration (NOAA). 2009. NOAA Technical Recommendation for Tronox Bankruptcy Proof of Claim for the Kerr McGee Corp / Tronox Site in Navassa, Brunswick County, North Carolina.

Swartz, R.C. 1999. Consensus sediment quality guidelines for polycyclic aromatic hydrocarbon mixtures". *Environ. Toxic. & Chem.* 18:780-787.

## **Appendix A**

### LIST OF AGENCIES CONSULTED

National Oceanic and Atmospheric Administration  
United States Department of the Interior  
North Carolina Department of Environmental and Natural Resources  
North Carolina Wildlife Resources Commission  
U.S. Army Corps of Engineers  
North Carolina Division of Mitigation Services (formerly NC Ecosystem Enhancement Program)  
Bald Head Island Conservancy  
Town of Navassa  
City of Wilmington  
The Nature Conservancy  
North Carolina State Parks  
Audubon Society  
North Carolina Coastal Land Trust  
North Carolina Division of Marine Fisheries  
Cape Fear River Watch  
Cape Fear Arch  
Cape Fear Resource Conservation and Development  
New Hanover Soil and Water Conservation District  
New Hanover County  
North Carolina Coastal Federation  
Land Management Group, Inc.