New Bedford Harbor is contaminated with high levels of hazardous materials, including PCBs, and as a consequence is on the U.S. Environmental Protection Agency's (EPA) Superfund National Priorities List as well as being identified as the Commonwealth of Massachusetts' priority Superfund site. Hazardous materials containing PCBs were discharged directly into the Acushnet River estuary and Buzzards Bay and indirectly via the municipal wastewater treatment system into the same bodies of water. The sources of these discharges were electronics manufacturers who were major users of PCBs from the time their operations commenced in the late 1940's until 1977, when EPA banned the use and manufacture of PCBs.

PCBs are considered to be human carcinogens that can be introduced to humans through the eating of contaminated fish and shellfish. PCBs can also have adverse effects on natural resources such as shellfish, birds, and higher mammals. Birds exposed to PCBs have exhibited reproductive failure and birth defects. Some shellfish species will die after exposure to even small concentrations of PCBs. Some fish species exhibit adverse reproductive effects when exposed to PCBs and pose a danger when eaten by other natural resources such as birds.

Executive Order 12580 and the National Contingency Plan, which is the implementing regulation for the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), designate(s) the Secretaries of Agriculture, Commerce, Defense, Energy, and Interior to be Federal Trustees for natural resources. Federal Trustees are designated because of their statutory responsibilities for protection and/or management of natural resources, or management of federally owned land. In addition, the governors of each state are required to designate a state Trustee.

For New Bedford, there are three natural resource trustees on the Council. They represent the Department of Commerce, the Department of the Interior, and the Commonwealth of Massachusetts. The Secretary of Commerce has delegated trustee responsibility to NOAA, with NMFS having responsibility for restoration. The Secretary of the Interior has delegated trustee responsibility to the Regional Office of Environmental Policy and Compliance. The Governor of Massachusetts has delegated trustee responsibility to the Executive Office of Environmental Affairs. Trustee responsibilities include assessing damages from the release of hazardous

substances, pursuing recoveries of both damages and costs, and using the sums to restore, replace, or acquire the equivalent of the resources that were injured by the release.

In 1983, the Federal and state Trustees filed complaints in Federal District Court in Boston alleging causes of action under CERCLA against the electronic manufacturers for injuries to natural resources under their trusteeship that had resulted from releases of hazardous substances, including PCBs. The eventual outcome of the complaints was monetary settlement agreements with the defendants for: (1) EPA to fund the cleanup of the harbor; (2) the Trustees to restore the natural resources; and (3) the government to be reimbursed for funds expended. The Council was created as a result of the settlement agreements.

The Trustees are required to develop a restoration plan before settlement money can be spent on restoration projects. Such a plan will include a range of projects including near-term and long-term restoration efforts. Projects must restore, replace or acquire equivalent natural resources for those resources that were injured. "Restore or restoration" is the actions taken to return injured natural resources and/or services to their baseline or comparable condition. "Replacement" is the substitution of an injured resource with a resource that provides the same or substantially similar services. "Acquisition of the equivalent" means

obtaining natural resources the trustees determine are comparable to the injured resource. The Trustees' primary task is to determine how best to restore the injured natural resources and they are seeking the assistance of the public in this process.

The geographic scope of the Council's actions is the "New Bedford Harbor environment" (Figure 1). The Council defines the New Bedford Harbor environment as the area encompassed by the Acushnet River watershed which extends west into Dartmouth, east into Acushnet and Fairhaven, and from the north extending south to include the New Bedford Reservoir and the City of New Bedford into Buzzards Bay extending out to the area designated as Fishing Area III. The watershed is defined as the entire surface drainage area that contributes water to the Acushnet River.

CERCLA defines natural resources as including land, fish, wildlife, biota, air, water, groundwater, drinking water supplies or other resources under the control or management of the United States or any state. Natural resources

within the New Bedford Harbor environment having a high probability of injury include fish, shellfish, other marine organisms, birds, marine sediment and the water column. The fish species include winter flounder, tautog, scup, mackerel, silverside, mummichog and American eels and herring. Shellfish injured through the release of PCBs include mussels, clams, quahogs, oysters, various species of crabs and lobster. Other organisms such as amphipods, diatoms and copepods that contribute to the food chain have been impacted and can serve as a means for further transmission of PCBs.

Federal restoration actions require adherence to the National Environmental Policy Act (NEPA). NEPA requires the development of an environmental assessment or environmental impact statement (EIS) that analyzes the effects of the proposed Federal action(s) on the environment. In a document published in the Federal Register (60 FR 10835, February 28, 1995), the Council announced its intention to prepare an EIS and its initiation of a public process to determine the scope of issues under consideration.

The Council has completed a series of public meetings that informed the communities of the Council's efforts, requirements and legal constraints in restoring injured natural resources. During these meetings, several projects were suggested for consideration. Some of these projects could possibly be accomplished in the near term and the Trustees are seeking to continue the NEPA scoping process by identifying the universe of projects for consideration. The focus of this request is for ideas for projects that can be accomplished prior to completion of the cleanup actions being conducted by EPA. EPA has been dredging parts of the Acushnet River/New Bedford Harbor to remove sediments containing the highest levels of PCB contamination. The next phase is for EPA to determine the best means to clean up remaining contamination in other parts of the river/harbor/bay. The method chosen for cleaning up the contamination could impact restoration projects if those projects are undone by EPA's actions. For example, if the Trustees conduct a restoration project in an area which EPA later dredges or modifies through construction, it could result in the destruction of the project. Recognizing this, the Trustees are seeking ideas for projects that could be accomplished before cleanup is complete, but would not be harmed by EPA's cleanup actions.