

**Subject:** Athos Evergreen Comments  
**From:** Mark Renna  
**Date:** Sun, 22 Feb 2009 17:33:04 -0500  
**To:** NOS.AthosComments@noaa.gov

Dear NOAA Athos Team:

Re: Athos Draft Damage Assessment and Restoration Plan released for public comment

Thank you for including the Evergreen Stipson's Island Mitigation Bank in the restoration alternatives analysis for the Athos Oil Spill. We were disappointed that the mitigation bank did not make the list of preferred alternatives. We also believe the low score (-4), lowest of all alternatives evaluated, was not based on an informed analysis as the Team did not contact Evergreen for additional information after our initial offering such as design details, schedule of implementation, and costs. The alternatives selected are public sector projects and private sector initiatives were not provided commensurate representation. While public access issues are a consideration as part of the restoration goals for this oil spill event, it is ironic that boat ramps were scored significantly higher (+20) in the restoration evaluation process than a tidal marsh wetland bank restoration project with all design, permits and approvals in hand. Evergreen believes that the NRDA restoration alternatives should include private sector initiatives to save time, money and implement restoration projects in an efficient manner. The Stipson's Island Mitigation Bank is currently under construction and will be planted this spring. Were Stipson's considered, mitigation for Athos would have been immediate, or at least as close to immediate considering the spill occurred in 2004 and this restoration plan was published in 2009. While we looked forward to Stipson's potentially being part of the Athos restoration plan, Evergreen submits these comments for future damage assessments and future mitigation opportunities, as the mitigation at Stipson's is sought for use for several other projects in the service area.

We note that several of the mitigation sites mentioned and selected have been mentioned in the past for other ventures. I previously worked on one of the selected restoration alternatives, Mad Horse Creek, in 2004. The Stow Creek selected alternative seems to be the same site proposed for the Presidente Rivera spill of 1989.

Trustee costs presented include multiple overlapping agencies for multiple years at a high cumulative cost. Private sector mitigation would be a one time cost, with all monitoring and maintenance the responsibility of the private sector mitigation provider.

We look forward to timely implementation of the restoration efforts for the Athos Oil Spill; however, the NRDA track record for restoration implementation is often slow resulting in mitigation many years after the impact. The Woodbridge Creek project cited as reference for the Mad Horse Creek cost estimate was implemented 15 years after the Exxon Bayway Oil spill occurrence. Again, Stipson's is under construction.

Evergreen offers these comments for this project as well as future projects. We believe the private sector is part of the solution, including mitigation banks. We do not believe the private sector is the only solution, but we do not believe such private sector efforts have been provided commensurate weight in the evaluation of alternatives. Considering the selected alternative of oyster reef work to occur just a ¼ mile downstream from our bank site and the tidal marsh restoration nature of the Stipson's site, we believe the evaluators, all from the public sector, have demonstrated that restoration alternative efforts should be presented as blind alternatives to eliminate inherent bias that can occur in scientific evaluations.

Sincerely,  
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