

Natural Resource Damage Assessment and Restoration



June 2016



NRDA Authorization



CERCLA
Clean Water Act
Oil Pollution Act



Provides Authority to Assess Resource Injury from Hazardous Substances (DOI rule) or Discharges of Oil (NOAA rule) and to seek restoration from those responsible.

NRDA Goal



Goal: compensate the public and the environment for injuries to natural resources and resource services

- compensation achieved through restoration, rehabilitation, replacement, and/or acquisition of the equivalent

What is Natural Resource Damage Assessment?



... the process used by natural resource trustees to determine the nature and extent of injury to trust natural resources caused by an oil spill or release of a hazardous substance.

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concepts:

... the process used by natural resource trustees to determine the nature and extent of injury to a trust natural resource caused by an oil spill or the release of a hazardous substance for the purpose of restoring the natural resource or acquiring its equivalent.

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General Steps in the NRDAR Process



- Pre-assessment
- Assessment Planning
- Injury Determination
- Injury Quantification
- Damage Calculation
- Settlement/Litigation
- Restoration

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Who Are the Natural Resource Trustees?



- ❖ Federal Resource & Land Management Agencies
 - Department of the Interior
 - Department of Commerce
 - Department of Agriculture
 - Department of Defense
 - Department of Energy
- ❖ Federally Recognized Tribes
- ❖ State Governments – Governor delegates State agencies to act as trustees

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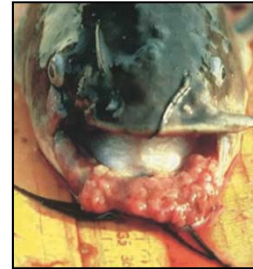
Injury

... any adverse change in the condition of a resource caused by exposure to contaminants, including response actions

Examples of Injuries to Fish and Wildlife



- Death
- Disease
- Cancer
- Genetic Mutations
- Physical Deformities
- Behavioral Abnormalities



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OPA Natural Resource Damage Assessment

Trust Resources:

... land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, or held in trust by, the United States, States, Indian tribes, or foreign governments.

Gulf of Mexico Trust Resources

- surface water
- groundwater
- soils
- sediment
- benthos
- shellfish
- fish
- sea turtles
- marine mammals
- birds
- terrestrial organisms
- reptiles and amphibians
- mammals
- T&E species
- human uses of resources

*** and ecosystem services**

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bottom-line:

... NRDA is designed to compensate the environment and public for injuries to natural resources and services resulting from the release of hazardous substances

- **compensation achieved through:**
 - **restoration, replacement, rehabilitation, or acquisition of the equivalent of resources injured by the release**

*** Primary and compensatory restoration**

Major Concepts of the NRDAR Process



- ❖ **Restoration of injured resources is the primary objective of the process.**
- ❖ **Coordination among co-trustees is fundamental to successful resolution of a claim and to achieving restoration.**
- ❖ **The Public and Responsible Parties are involved in the NRDAR process.**
- ❖ **Compensatory, not a punitive process.**
- ❖ **There is no double recovery for the same resource.**

Major Concepts of the NRDA Process



- ❖ The NRDA process involves scientific, legal, and economic support.
 - The science must support the claim.
 - The legal case must be developed in conjunction with the science.

Questions?



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