

NOAA | National Ocean Service | Office of Response and Restoration

A Brief Overview of Natural Resource Damage Assessments

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Tragically, events happen



Introduction to Natural Resource Damage Assessment (NRDA)

What is NRDA?

- A legal process to determine
 - Injuries to or lost use of the public's natural resources
 - Appropriate amount & type of restoration needed to offset losses
- Goal is to "make public whole" following release of hazardous substances & oil
- Federal, state and tribal "Trustees" representing the public are required to demonstrate causality between release and resource injury and lost use



Who are Trustees?

- Federal authorities
 - National Oceanic and Atmospheric Administration (NOAA)
 - United States Fish & Wildlife Service (USFWS)
- State agencies
- Indian Tribes
- NOAA is Trustee for:
 - Commercial/recreational fisheries
 - Migratory fish
 - Endangered/threatened marine species
 - Coastal habitats (e.g., wetlands)
 - National Marine Sanctuary/National Estuarine Research Reserve Resources



NRDA Laws and Regulations

NRDA Statutory Authorities:

- CERCLA (Superfund)
- Oil Pollution Act
- Clean Water Act
- National Marine Sanctuaries Act (16 USC 1431 et seq.)
- Park System Resource Protection Act (16 USC 19 JJ)
- Applicable State laws

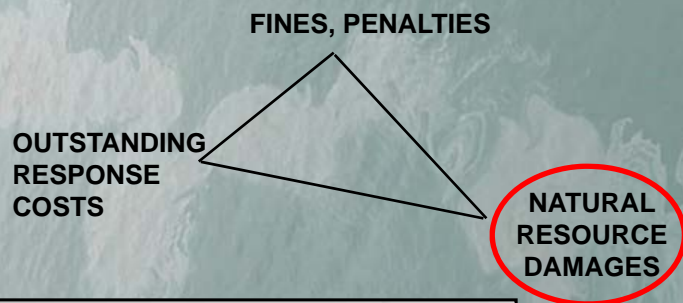
NRD Regulatory Authorities:

- CERCLA regulations, DOI (43 CFR Part 11)
- OPA regulations, NOAA (15 CFR Part 990)
- National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR Part 300)

States may also have NRDA Statutes



Potential Components of a Settlement



Process and Roles

Trustee Roles:

- Coordinate w/response agencies (e.g., USCG, EPA)
 - Integrate Trustee concerns & science into cleanup
- Assess injuries
- Evaluate & scale restoration alternatives to:
 - Return resources to baseline
 - Compensate for interim lost resources & services
 - "To make the public whole"
- Oversee and/or implement restoration plan
- Recover assessment costs



Process and Roles

Causality:

Release



Pathway



Exposure



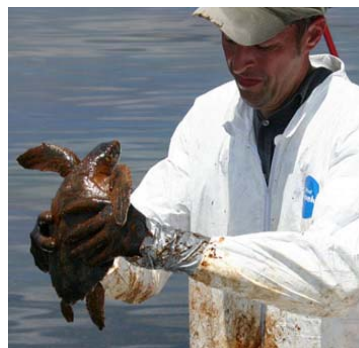
Injury



Assessment: What is considered an injury?

“Injury” includes adverse effects on:

- Survival, growth, and reproduction
- Health, physiology and biological condition
- Behavior
- Community composition
- Ecological processes and services
- Physical and chemical habitat quality or structure
- Public services, such as recreation



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NRDA: The First 24 Hours

- Coordinate (NRTs, RPs, Contractors/Experts, SSC, OSC etc.)
- Integrate your efforts with ICS
 - Maximizes use of limited assets
 - Avoids duplication of efforts
 - Cost effective
- Develop and maintain situational awareness
- Share your data and findings
- Identify time critical data needs
- Cannot document every injury



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Ephemeral Data Considerations

- Document wildlife animals (e.g., fish, turtles, birds)
- Document extent of oiling
- Beach closures, advisories, boat access restrictions
- Environmental samples
- Baseline (areas where oil predicted to impact, reference areas)
- Water column data
 - Fingerprinting
 - Support water column modeling (e.g., fate, transport, toxicity)



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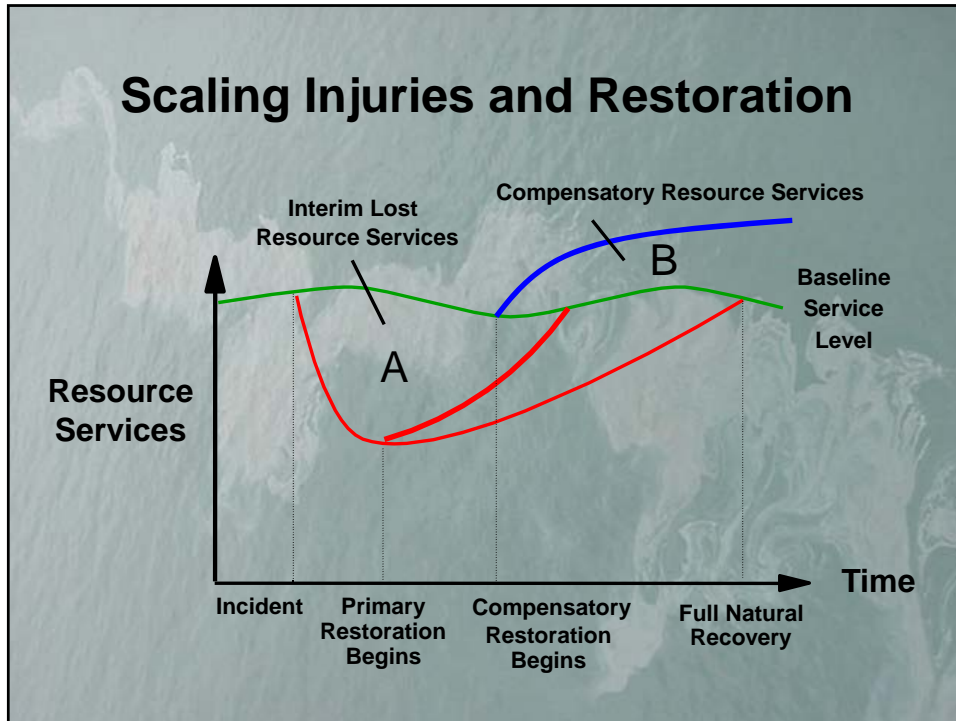
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Transitioning beyond first 24h

- Focus sampling/design to conduct studies for longer term impacts and recovery trajectory
- Can consider response data to help determine areas for further study
- Determine timeline for data collection
 - Window of opportunity
 - One-time event vs collection over time?
- Coordinated effort



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Some Takeaways

NRDA is Restoration-Focused

- Purpose is to determine type and amount of restoration needed to compensate the public for injuries to their resources
- Restoration is considered early and throughout the process
- Injuries are balanced against, and directly scaled to restoration

NRDA as a Cooperative Process

- Getting to restoration requires a common vision & coordination with Co-Trustees and the public
- Moves faster if Responsible Party shares the same vision and works cooperatively with the Trustees

NRDA is a Legal Process

- Trustees are required to demonstrate causality between release and resource injury and lost use; sound science is key to success!
- Strategy must be encompassing and flexible





U.S. Department of Commerce | National Oceanic and Atmospheric Administration | Damage Assessment, Remediation, and Restoration Program



For More Information

www.darp.noaa.gov

www.doi.gov/restoration

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**A Good Assessment is
the Key to A Good Restoration**

