

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION in the Southwest Region

When oil or other chemical hazardous substances enter the environment, fish, wildlife, and other natural resources can be harmed in a variety of ways. Some chemicals may cause immediate death while others may cause more long-term or subtle effects such as failure of bird eggs to hatch.

The Department of the Interior's U.S. Fish and Wildlife Service (FWS) along with State, Tribal and other Federal partners, act as "Trustees" for these resources and are responsible to the public for gaining compensation for losses due to spills or releases. After a spill or release, the Trustees identify the extent to which natural resources were harmed and plan restoration activities. The responsible party either implements the restoration, or funds the Trustees to do so. These efforts are accomplished through legal settlements made possible under the Natural Resource Damage Assessment and Restoration (NRDAR) process, the goal of which is to restore natural resources harmed by contamination. Settlements also include the recovery of the costs incurred in assessing the damages.

To determine the type and how much restoration is necessary to compensate the public for losses, the Trustees conduct a damage assessment to determine the extent of harm to natural resources caused by the hazardous substance release, taking into consideration such things as how toxic the released material was, how long it affected natural resources, whether and how the public used the resources and how long it will take the resources to recover.

Once the appropriate restoration is defined, the Trustees discuss how the restoration will be implemented. For example, some responsible parties have earth-moving equipment available and wish to participate in the actual project, while others prefer to provide funding for the Trustees to build the project. When the responsible parties wish to provide funding for restoration implementation, the Trustees negotiate a settlement based on the cost of restoration, and money spent to assess damages. Once a settlement has been reached, the Trustees take action to restore the injured resources. Because the Trustees must attempt to compensate the public for the resources lost due to the spill or release, they monitor the completed restoration projects to determine its success in restoring lost resources.

The Department of Interior (often led by the U.S. Fish and Wildlife Service's Environmental Contaminants Program), along with our co-trustees, is accomplishing the goal of restoring natural resources injured by contamination and working with industry to bring a cleaner, healthier environment to the people in the Southwest Region, and across the country.

Frequently asked Questions

What is Natural Resource Damage Assessment and Restoration?

- *Natural Resource Damage Assessment* is: A process which natural resource *trustees* use to determine the extent of injury to trust resources caused by an oil spill or a release of a hazardous substance.
- *Restoration* includes both returning injured resources to the condition in which they would have been if the oil spill or release of a hazardous substance had not occurred and replacing the services, such as fishing, that were lost while the habitat was contaminated. Restoration encompasses rehabilitation, replacement and/or acquisition. The Service's objective is to restore trust resources which have been injured by oil spills or hazardous material releases. The Service's primary restoration goal is to enhance and protect its *trust resources*.

What are Trust Resources?

- *Trust resources* are defined by agency authority. For example, the FWS has authority under the Endangered Species Act and other legislation for endangered and threatened species, migratory birds, certain marine mammals, interjurisdictional fishes, National Wildlife Refuges and National Fish Hatcheries.
- Other agencies, or State Trustees, have authority over surface water and ground water, including drinking water supplies, and land or terrestrial resources, national parks, forests, defense and energy facilities, and other federal state and tribal lands.

What are Damages?

- *Damages* are the amount of money required to compensate the public for the *injury*, destruction or loss of natural resources. These are paid for by the responsible party to restore, replace, or acquire the equivalent type of the natural resources and the services they would have provided and for Trustee costs associated with determining appropriate restoration.

What are Resource Injuries?

- During a natural resource damage assessment, the natural resource trustees gather information on impacts (called *injuries*) to trust resources. This information is used to determine appropriate restoration project(s).

Injuries include impacts on the natural resources as well as impacts on the Public's ability to use a site or resource while it is contaminated.

What are Responsible Parties?

- Responsible Parties are those who caused or are responsible for releases of hazardous substances or oil and may include individuals, private companies or industry, or government agencies.

What are the benefits of restoration?

- The primary benefit of restoration is that ***injured natural resources are returned to the condition in which they would have been if the spill or release of hazardous substances had not occurred.*** Restoring our natural resources benefits not only the fish and wildlife that depend on these resources but also the local community and visitors to these areas.
- Restoration contributes to a healthy environment, which is an economic asset to the Southwest Region.
- Restoration has proven to be a means of promoting successful partnerships among industry, conservation groups, community groups, and government agencies

Every action that is taken in the implementation of the assessment process is done with the goal of restoring injured natural resources. Currently biologists are working on over 35 cases in the Southwest Region. The following pages highlight many of the cases currently underway and some that have been successfully brought to a close. The Southwest Region's natural resources are held in trust for the benefit of all people and future generations. The Service acts on behalf of the public to protect, assess, and restore resources injured by releases of hazardous substances or oil to ensure their enjoyment now and in the future.

Contact:

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