

Cooperative Natural Resource Damage Assessment

November 2012



What are Trust Natural Resources?

Natural resources include land, air, surface water, groundwater and living organisms.

What is a Natural Resource Damage Assessment?

Natural Resource Damage Assessment (NRDA) is the process by which natural resource trustees evaluate injury or harm done to natural resources as a result of hazardous substances discharged to the environment. Resources are said to be injured when hazardous substances cause changes to “the chemical or physical quality or the viability to a natural resource” (43 C.F.R. 11.14 (v)). Our goal is to compensate the public for any natural resource injury by implementing restoration projects that restore the natural resources, as well as the human-use services that those resources provide. The term “natural resource damages” refers to the monetary value of natural resource injuries.

What is a Cooperative NRD Assessment?

The Trustees and companies worked cooperatively to evaluate injury to ecological resources, recreational fishing and SRMT culture from facility-related contaminants and to identify potential restoration projects that could restore lost resource services. The goal of the cooperative assessment was to reduce interim losses, achieve settlements and restoration sooner than through litigation. The companies funded Trustee injury and compensation determination.

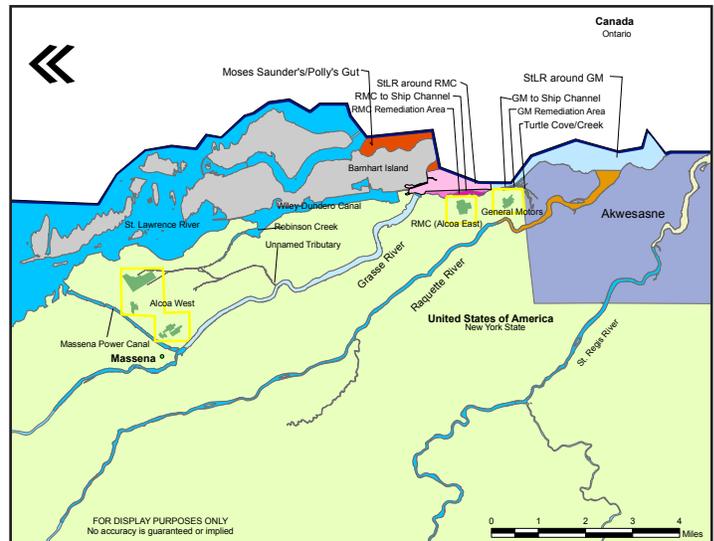
What is the Trustees’ Legal Authority to Conduct NRDA?

Federal, state and tribal governments have been designated as natural resource trustees. The legal authority for trustees to collect natural resource damages comes from Federal laws such as the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly referred to as Superfund); the Clean Water Act (CWA) and the Oil Pollution Act (OPA). State regulations, such as the New York State Hazardous Waste Program, 6 NYCRR Part 370 series, also provide the authority to collect natural resource damages.

The goal of the NRDA process is to restore, replace or acquire the equivalent of trust resources injured as a result of the release of hazardous substances to the environment.

Highlights

- Three Massena sites: Alcoa, GM, Reynolds.
- Contaminants of concern include polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs) and fluoride into the St. Lawrence environment.
- Natural Resource Trustees are the St. Regis Mohawk Tribe (SRMT), New York State Department of Environment Conservation (NYSDEC), National Oceanic and Atmospheric Administration (NOAA) and U.S. Fish and Wildlife Service (USFWS).
- Potentially responsible parties (companies) are General Motors and Alcoa.
- Ecological, recreational fishing and Mohawk cultural resources assessed.



Map of assessment area.

How is NRDA Different from Site Cleanup?

Collecting natural resource damages is not intended as a “second cleanup.” Site cleanups focus primarily on eliminating or reducing risks to public health and the environment. NRDA focuses on quantifying injuries to natural resources and the associated service losses that remain after cleanup. Trustees can collect damages for injured natural resources and resource services from the time of injury until restoration is complete. Cleanup actions are not intended to address these “interim” losses.



Turtle Cove prior to cleanup of PCB-contaminated sediments. The unlined 12-acre GM Landfill was capped with clay and seeded with grass.

Key Steps in an NRDA

Preliminary Assessment

The Trustees determine whether there is a reasonable probability that a successful claim for injury can be made.

Injury Assessment and Quantification

Injury to natural resources is documented and magnitude and extent of the injury is determined.

Damage Determination

The Trustees determine the magnitude of restoration required to compensate the public for injuries to natural resources, the cost of that restoration and the value of any losses between the time when injury occurred and restoration is complete.

Restoration Compensation Determination Plan

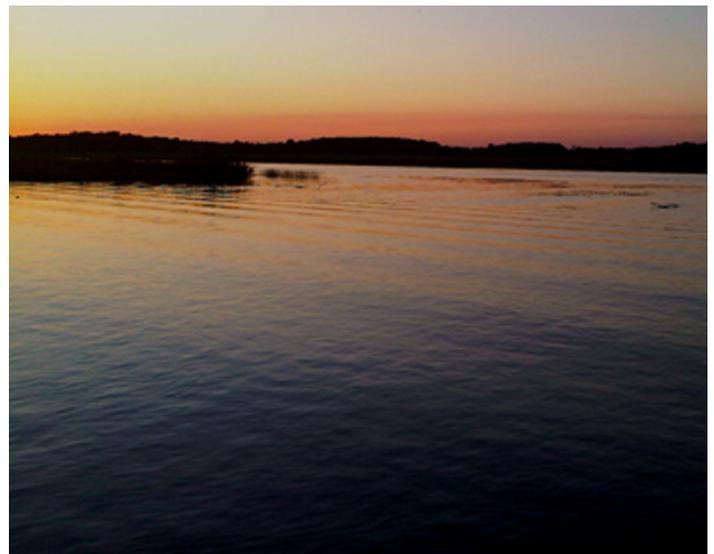
Specific restoration projects are evaluated and selected, with input from the public.

Natural Resource Restoration

Selected restoration projects are implemented and monitored. Responsible parties implement these projects or fund the Trustees.

What is the Role of the Public in NRDA?

The Trustees are required to involve the public in the NRDA process. For example, the Trustees solicited restoration ideas from the public in 2006 and will provide an opportunity for the public to comment on the Restoration Compensation and Determination Plan once it is complete. The Trustees look forward to communicating with the public in the future through fact sheets, web sites and public meetings.



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