

GLOSSARY
Terms Used in Part 573, Response to Discharges of Oil and Releases of Hazardous Substances and Natural Resource Damage Assessment and Restoration

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A	<p>Assessment is the Natural Resource Damage Assessment and Restoration (NRDAR) phase where natural resource injury determination and quantification occurs, and appropriate damages to fund restoration to address the injury are calculated.</p> <p>Authorized Official (AO) is the Department of the Interior (Department) official delegated the authority to act on behalf of the Secretary to conduct a natural resource damage assessment, restoration planning, and implementation. Within the U.S. Fish and Wildlife Service (Service), the AO cannot be delegated below the Regional Director level, except as described in 207 DM 6.</p>
B	<p>Baseline condition is the condition or conditions that would have existed at the assessment area if the discharge or release had not occurred.</p>
C	<p>Case manager is the person responsible for managing the day-to-day NRDAR matters, including coordination and administrative activities, maintaining the administrative record, and preparing and reviewing case-specific documents. Within the Service, the case manager is typically a field office or Regional office employee.</p> <p>CERCLA means the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq).</p> <p>Cost Documentation Tool (CDT) is software that extracts direct costs from our financial system and calculates indirect costs for the Service as a whole for oil spill response or NRDAR activities.</p> <p>Covenant Not To Sue (CNTS) is a legally binding agreement that provides assurance to a responsible party that there will be no future claims for natural resource damages against them for a specific release or incident(s), except for circumstances specifically outlined in a “reopener provision.” We often use a CNTS as part of the documentation for settling a NRDAR claim. See CERCLA, 42 U.S.C. 9622 (Section 122(j)).</p>
D	<p>Damages are the compensation we, as a trustee acting on behalf of the public, seek when natural resources and their services are injured, destroyed, or lost due to a hazardous substance release or oil spill. CERCLA and the Oil Pollution Act (OPA) also authorize trustees to recover direct and indirect costs associated with assessing injury to natural resources and with planning and implementing restoration activities, including restoration, rehabilitation, replacement, or acquisition of the equivalent to injured resources. Trustees also have the discretion to credit actual implementation of work to restore, rehabilitate, replace, or acquire the equivalent of the natural resources by settling parties instead of seeking monetary compensation. We can include the following in our measure of damages:</p> <p>(1) The cost of restoring injured resources to their baseline condition,</p>

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	<p>(2) Compensation for the interim loss of injured resources pending recovery, and</p> <p>(3) The reasonable cost of a damage assessment (see CERCLA 101(6) and 107(a)(4)(C), OPA 1001(5) and 1002(b)(2), 43 CFR Part 11, and 15 CFR Part 990).</p> <p>Direct costs are those that we can identify as producing a specific product or providing a specific service. Direct costs include direct labor, equipment, and other items we purchase or consume specifically related to the development or delivery of a product or service.</p>
E	None
F	<p>Federalized is when the Federal On-Scene Coordinator from either the U.S. Environmental Protection Agency (EPA) or the U.S. Coast Guard (USCG) assumes control of the spill response and formally accesses the Oil Spill Liability Trust Fund (OSLTF) by obtaining a Federal Project Number.</p> <p>Federal On-Scene Coordinator (FOSC) is the designated EPA or USCG official who coordinates response resources during an emergency response because state and local resources have been exceeded. The FOSC is obligated to coordinate the use of available resources to protect public health and the environment.</p>
G	None
H	Home unit is the duty station of the employee.
I	<p>Incident Command System (ICS) is a system designed to enable effective and efficient incident management by integrating facilities, equipment, personnel, procedures, and communications operating within a common organizational structure. We and all other levels of government (e.g., tribes, states) use ICS to organize both near-term and long-term field-level operations for a broad spectrum of emergencies. (Department of Homeland Security, <i>National Incident Management System</i>, March 2004, p. 7.)</p> <p>Incident Position Qualification Guideline (IPQG) depicts position competency and behavior guidance, using a performance-based system, so that an individual can qualify and be certified for a position in an ICS.</p> <p>Incident Qualifications and Certification System (IQCS) is a system that captures and stores personal and professional data regarding emergency response qualifications. This system is linked to the Resource Ordering and Status System (ROSS) to make it easier to find responders with the minimum requirements for an emergency position.</p> <p>Indirect costs are costs that an agency spends as part of providing a product or service, but that cannot be specifically identified with the product or service. For example, the costs of space and information technology (IT) support are indirect costs.</p> <p>Injury is a “measureable adverse change...in the chemical or physical quality or the viability of natural resources...” (see 43 CFR 11.14(v) and 15 CFR Part 990). CERCLA also provides a definition for injury that includes <i>Per se</i> injuries and acceptance criteria</p>

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	for each type of natural resource and 18 specific biological conditions (see 43 CFR 11.62).
J-M	None
N	<p>National Incident Management System (NIMS) is called for in Homeland Security Presidential Directive 5. The system provides a consistent nationwide approach for Federal, state, tribal, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. NIMS covers the ICS; multi-agency coordination systems; unified command; training; identification and management of resources; qualifications and certification; and the collection, tracking, and reporting of incident information and incident resources.</p> <p>National Oil and Hazardous Substances Pollution Contingency Plan (NCP or National Contingency Plan) is the national plan, established in 40 CFR 300, that provides the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants. The NCP designates natural resource trustees and describes their responsibilities. See 40 CFR 300.600.</p> <p>National Response Team (NRT) is a team of representatives of several Federal agencies that the National Contingency Plan (40 CFR 300.175(b)) defines. Its members are responsible for national planning, policy, and coordination for hazardous substance and oil spill preparedness and response.</p> <p>Natural resources are broadly defined by CERCLA and OPA to be those resources “belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by” the United States; any state, tribe, or local government; or foreign government for the public and which include “land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources.” (See CERCLA 101(16) and OPA 1001(20).)</p> <p>Natural Resource Damage Assessment and Restoration (NRDAR) Fund is a fund permanently authorized to hold receipts for damage assessment and restoration activities for availability without further appropriation until expended. The NRDAR Fund is managed by the Department’s Office of Restoration and Damage Assessment.</p> <p>Natural resource services are the beneficial outcomes for people or the natural environment that result from natural resources and ecosystem functions. Examples include human use, such as recreation, or ecological use, such as nutrient cycling.</p>
O	<p>Oil spill is a phrase used interchangeably with oil discharge.</p> <p>Oil Spill Liability Trust Fund (OSLTF) is a fund Congress authorized under the OPA to provide money for response and NRDAR activities related to oil discharges. The USCG’s National Pollution Funds Center (NPFC) administers the fund. There are specific processes we must follow to seek funding from the NPFC for NRDAR.</p>

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<p>P</p>	<p>Pollution Removal Funding Authorization (PRFA) is an agreement with the NPFC to reimburse the Service for direct and indirect oil spill response costs we incur that are within the PRFA's statement of work.</p> <p>Preassessment is the initial phase of an NRDAR that allows personnel to rapidly review readily available information that focuses on resources for which the Federal or state agency or tribe may have trusteeship. It should ensure that there is a reasonable probability of making a successful claim before money and effort are expended to carry out an assessment (see CERCLA NRDAR regulations at 43 CFR 11.23(b)). For oil discharges, preassessment includes determining who has jurisdiction to pursue restoration under OPA, and if it is appropriate to do so (see OPA NRDAR regulations at 15 CFR 990.40).</p> <p>Project number is a specific number associated with the financial management system assigned to the oil spill response or NRDAR case to which costs will be charged.</p>
<p>Q</p>	<p>None</p>
<p>R</p>	<p>Recovered funds are the funds we receive from the NPFC or a responsible party, which may include monetary damages we receive in settlement or that are awarded by a court.</p> <p>Regional Response Teams (RRT) are teams from the different geographic areas of the country. There are 13 standing RRTs that establish incident-specific RRTs. The co-chairs of the standing RRTs are from EPA and the USCG.</p> <p>(1) The standing RRTs are comprised of designated representatives from participating Federal agencies, state governments, and local governments (as agreed upon by the states). The role of the standing RRTs includes establishing regional communications and procedures, planning, coordinating activities, training, ensuring preparedness, and evaluating actions in the region. It also includes assisting area committees to coordinate these functions.</p> <p>(2) The incident-specific teams are comprised of personnel who are chosen specific to the operational requirements of the response. During an incident, the incident-specific team is chaired by the agency providing the FOSC.</p> <p>Reopener provision is a clause in a legal agreement providing for reconsideration of an issue during the life of the agreement.</p> <p>Resource Ordering and Status System (ROSS) is an information technology system that automates the ordering, status, and reporting process of emergency response resources.</p> <p>Restoration is the action(s) the trustees undertake to return an injured resource or its service to its baseline condition, as measured in terms of the resource's physical, chemical, or biological properties or the services it provided (see CERCLA regulations at 43 CFR 11.14(II)). For oil discharges, restoration is defined as any action or alternative, or combination of actions/alternatives, to restore, rehabilitate, replace, or acquire the</p>

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	<p>equivalent of injured natural resources and services (see OPA regulations at 15 CFR 900.30). Restoration can include:</p> <p>(1) Returning injured resources to the condition they would have been in if the discharge or release had not occurred, and</p> <p>(2) Compensation for natural resource injuries that accrue from the time the injury began to the time the natural resources are returned to the condition that would have existed had the discharge or release not occurred.</p>
S	<p>Spill responses are activities associated with how discharges of oil or releases of hazardous materials are handled under the OPA and CERCLA.</p>
T	<p>Trustees are designated officials of Federal and state natural resource management agencies, tribes, and foreign governments who have the authority to pursue claims for natural resource damages.</p> <p>Trustee council is a formal group of representatives from entities that are trustees, under CERCLA or OPA, for affected natural resources or services. For NRDAR cases that involve multiple resources and trustees, a trustee council will implement damage assessments and restoration projects.</p>
U-Z	None