

Natural Resource Damage Assessment & Restoration

("NRDAR")

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Connection with Community



Overview

- Origins of natural resource damage assessment & restoration requirement
- Explain the process; highlight opportunities for public input
- Provide update on *Selendang* NRDAR; discuss restoration goals & opportunities

Origins of the Process



Oil Pollution
Act of 1990

- NRDAR process
- Liability limits
- OSLTF established

OPA 90: "polluter pays"

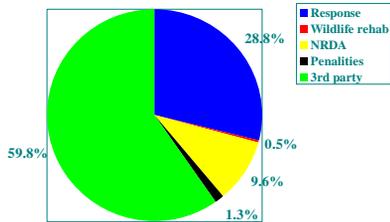
- Removal Costs
- Personal Property
- Real Property
- Subsistence Use
- Lost Profits and Earnings
- Government Revenues
- Increased Public Service
- **Natural Resources Damages**

Who may make claims?

- Individuals may make claims for damage to property, loss of profits, or lost subsistence.
- Governments may make claims for lost revenues or increased services costs.
- Trustees bring claims for damages to natural resources and services.



Exxon Valdez Cost Breakdown



Damage Assessment & Restoration Process

- Oil Spill Response vs. Damage Assessment and Restoration
- Goal of NRDAR Process: recovery of injured resources & services and compensation for “interim losses”



What are Natural Resource “Services”?

Examples: subsistence (fishing, hunting, gathering), recreation & tourism

(e.g. hunting, sport fishing, bird watching, camping, kayaking, sailing, motor boating)



Who are the trustees?

- State (Governor designates agencies; ADF&G, DEC, DNR, DOL)
- Federal Government (depends on trust resources affected: Departments of Interior, Commerce, Agriculture, etc.)
- *Selendang* trustees: 4 State + Interior (FWS & BIA) and Commerce (NOAA)

The Phases of NRDAR Process

- Pre-assessment
 - Scoping exercise
 - Takes place during response
- Restoration Planning
 - Conduct injury studies
 - Develop restoration alternatives
 - Compile restoration plan
- Restoration Implementation
 - Settle or litigate
 - Implement and monitor projects



Restoration

Criteria for evaluating potential restoration actions based in part on underlying goals.

- Returns an injured resource/service to baseline
- Likelihood of success
- Benefits more than one injured resource/service
- Cost



Public Involvement



- Initiation of Restoration Planning
 - Public notification
 - Administrative record
- During Restoration Planning
 - Development of Restoration Plan
- Implementation of Restoration Actions

A few key points . . .

- NRDAR encourages cooperation with RP but it is a legal process that can become adversarial.
- Process may take years, but goal is to move as quickly as possible to restoration.
- Regulations require “reasonable” assessment and restoration actions.

Selendang Ayu Spill: Preassessment Phase

- Within days of the spill, NRDAR trustee agencies begin meeting
- Alaska Maritime Refuge’s research vessel M/V Tiglax is mobilized
- Carcass collection and surveys in winter and spring
- Series of cooperative surveys this summer

Selendang Ayu Spill: Preassessment Phase

- Birds: approximately 1,800 carcasses documented; working to identify carcasses and compile data from beach and aerial surveys
- Marine mammals: 6 sea otter carcasses
- Other resources: surveys of anadromous fish streams, intertidal/shoreline resources, vegetation

Selendang Ayu Spill: Next Steps



- Create a Preassessment Data Report
- Initiate Restoration Planning Phase
- Conduct damage assessment; consider potential restoration actions

Selendang Ayu Spill: Potential Restoration

Potential injuries to birds, marine mammals, intertidal/shoreline resources, fish, vegetation, and services associated with those resources.



Selendang Ayu Spill: Potential Restoration

We are interested in your perspective on ways to restore natural resources affected by the *Selendang* spill because you live in the spill area and may have knowledge about the resources and the services that they provide that the trustees are unaware of.

Selendang Ayu Spill: Potential Restoration

- Ideas raised this week: seed bank, intertidal resource mapping, measures to minimize risk of future spills
- Other ideas: predator eradication, debris removal, fish passage improvements, waste oil facility in Dutch Harbor

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