Natural Resource Damage Assessment & Restoration ("NRDAR")

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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

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, motorboating)

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: 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.

Contact Information

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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