Buffalo River

Natural Resource Damage Assessment and Restoration

Trustee Council

Fact Sheet: Fish Consumption Advisory Injury Determination

The New York State Department of Environmental Conservation, the Tuscarora Nation, and the U.S. Department of the Interior Fish and Wildlife Service, collectively the Trustees of the Buffalo River, are conducting a Natural Resource Damage Assessment (NRDA). The goal of the NRDA process is to restore trust resources injured as a result of the release of hazardous substances to the environment. ***This fact sheet is to inform the public of the on-going process to restore the Buffalo River and release of the Trustee document: Fish Consumption Advisory Injury Determination.***

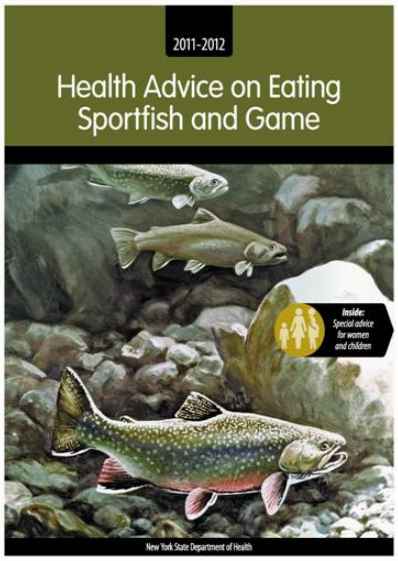

Photo credit: USGS

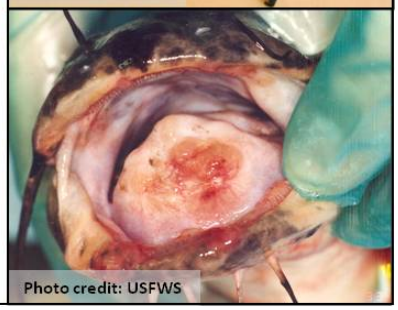

Photo credit: USFWS

Injury to fish has occurred in the Buffalo River as documented by the fish consumption advisories.

Trust natural resources and natural resource damages:

Natural resources include land, air, surface water, groundwater, and biota. When hazardous substances enter the environment and cause changes to "the chemical or physical quality or the viability to a natural resource," it is said to be **injured** (43 Code of Federal Regulation (CFR) 11.14(v)). When injury occurs, Trustees seek to restore injured resources and the services they provide to a baseline condition. **Natural resource services** are the physical and biological functions that a resource performs, as well as the benefits humans and other natural resources derive from those functions, such as recreational fishing for humans or nesting habitat for birds. The responsible party (the entity responsible for the release of hazardous substances) is ultimately held responsible for compensating the public for injuries to natural resources and resource services. **Responsible parties** may restore the injured resources and address the loss of services themselves, or they may make a payment (i.e., pay **damages**) equal to the cost of required restoration or the value of lost services. **Natural resource damage assessment** refers to this process of assessing injury and damages and restoring natural resources. The Department of the Interior has published regulations related to the conduct of an NRDA (43 CFR Part 11).

Restoration through **NRDA is separate, and in addition to, the on-going remedy** in the Buffalo River. Currently, a **New York State Department of Health fish consumption advisory is in place (since 1984)** for fish from the Buffalo River, due to the exceedence of the U.S. Food and Drug Administration tolerable limit for **PCBs** (polychlorinated biphenyls) in edible tissues. In addition, **PAHs** (polycyclic aromatic hydrocarbons) have been shown to contribute to the increased prevalence of tumors in fish-- tumors are the subject of general provisions in Buffalo River fish consumption advisories that advise against the consumption of fish with tumors. Additional details on the Fish Consumption Advisory Injury Determination can be found in the 2011 Trustee document:

http://www.fws.gov/northeast/nyfo/ec/BuffaloRiverConsumptionAdvisoryInjuryDetermination.pdf

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