

# The Natural Resource Damage Assessment and Restoration Program

*When hazardous substances enter the environment, fish, wildlife, and other natural resources can be injured. The Department of the Interior, along with State, Tribal and other Federal partners, act as “trustees” for these resources. Trustees seek to identify the natural resources injured and determine the extent of the injuries, recover damages from those responsible, and plan and carry out natural resource restoration activities. These efforts are possible under the Natural Resource Damage Assessment and Restoration Program, the goal of which is to restore natural resources injured by contamination.*



FWS/Drew Witna

## **The Program's Origin**

Hazardous substances are a constant threat to our fish, wildlife, and other natural resources. As a result of concern over the influx of contaminants into the environment, and a wish to ensure that the responsible parties—not the taxpayers—pay for the cleanup and restoration, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (also known as CERCLA or “Superfund”), the Clean Water Act, and the Oil Pollution Act of 1990. These three laws provide trustees the authority to carry out the responsibilities of the Restoration Program.

## **Entrusting Our Natural Resources**

As the Nation's principal conservation agency, the Department of the Interior is trustee for most of our nationally owned public lands and natural resources.

These include lands such as National Parks, National Wildlife Refuges, and lands managed by the Bureau of Land Management; Indian lands and natural resources held in trust by the Federal government; waters managed by the Bureau of Reclamation; and, Federally protected plants and animals

such as endangered species, migratory birds, and wild horses and burros. The agencies within the Department responsible for the management of trust resources are the Fish and Wildlife Service, Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, and National Park Service.

Other Federal agencies with trust responsibilities for our Nation's natural resources include the National Oceanic and Atmospheric Administration (NOAA), U.S. Forest Service, Department of Defense, and Department of Energy. Like the Department of Interior, they have responsibility for certain lands, waters, and other specified trust resources and most have active restoration programs. States and Indian Tribes also are trustees with the authority to conduct damage assessments and restoration activities on their own behalf. When there is overlapping trusteeship, trustees benefit from working together.

## **Restoring The Resources**

To fulfill the mission of restoring natural resources that have been injured by oil spills or hazardous substance releases, several steps must be taken.



FWS/Drew Witrac

again healthy and teeming with fish and wildlife, and public places that are safe for recreation and other uses. Through the dedication of the Department, and the many other agencies, organizations and individuals committed to caring for the environment, we are making progress toward a cleaner, healthier environment for all living things.

For more information about the Natural Resource Damage Assessment and Restoration Program, go to: <http://www.fws.gov/contaminants/>.

Generally, the process works like this:

- Oil is spilled or a hazardous material is released into the environment. Many of these incidents involve discharges into bodies of water—oceans, lakes, and rivers—where the oil or hazardous material has the potential to spread far beyond the original source.
- The source of the discharge is contained by the Coast Guard, the Environmental Protection Agency, a State agency, and/or the responsible party.
- The oil or hazardous material is cleaned up. This can be a fairly straightforward process for a small oil spill where the contained oil can be skimmed off the surface of the water. It can be very complicated when dealing with old mine wastes or hazardous chemicals which have been absorbed into the soil and are contaminating groundwater and surface water.
- Natural resource trustees determine the magnitude of the injuries to natural resources. This can begin during the response and cleanup or afterwards. Generally, however, it cannot be finished until after the cleanup is completed because the full extent of the injuries cannot be determined until then.
- The trustees contact the responsible parties and attempt to reach a settlement for the cost of the restoration, for the loss of the use of the land or resources to the general public, and for the money the trustees spent to assess the damages. When the responsible parties agree to do the restoration work themselves, money for restoration is not collected by the trustees. This is called in-kind work.
- If a negotiated settlement cannot be reached, the trustees can take the responsible parties to court. Most cases are settled out of court.
- When a settlement is reached, a restoration plan is developed with public input that specifies the actions necessary to restore the injured resources. These actions can be carried out on the lands where the contamination occurred or at an alternate site which, when restored, provides a suitable replacement for the injured or lost resources. Sometimes the responsible party donates land to be restored and protected.
- The trustees monitor the restoration projects to assure they continue to be properly operated and to ensure the long-term success of the restoration.

### Benefiting the Public

The primary benefit of the Restoration Program is that injured natural resources can be restored at no cost to the American taxpayers. Instead, the parties responsible for the injuries pay for the restoration. Because of this program, people across the country enjoy rivers and lands that are once

May 2010

