



Fact Sheet

State Natural Resource Damage Assessment (NRDA) Process

The goal of Natural Resource Damage Assessment (NRDA) and restoration is to make the environment and public whole following a discharge of oil or hazardous materials. This is achieved by returning injured natural resources to their pre-spill condition and providing compensation for the loss of use from the time of the spill through the recovery period. Recovery can be achieved by restoration, rehabilitation, replacement and/or the acquisition of equivalent resources and / or services.

Compensation can be monetary payments for injury to, destruction of, or loss of natural or cultural resources, and the value of the lost services provided by those resources, although responsible parties may also undertake projects that restore natural resources. Compensation also includes the reasonable costs of assessing the injury, destruction, or loss. Often these costs are assessed jointly with the federal government under the Oil Pollution Act of 1990 (OPA 90), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), or the Clean Water Act. The State of Alaska can also assess for damages separately from the Federal government for damages to state lands or waters and natural resources from spilled oil or other hazardous substances.

The Governor of the State of Alaska has designated the Attorney General and the Commissioners of the Department of Environmental Conservation, Department of Natural Resources, and Department of Fish and Game as natural resource trustees pursuant to federal law.

Initially, a determination must be made as to whether or not it is in the state's best interest to pursue compensation for damages to natural resources resulting from a discharge of oil or hazardous materials.

Once the determination is made to pursue compensation, the NRDA process will normally be conducted in three phases:

- 1. Pre-assessment:** Pre-assessment of damages resulting from a discharge of oil will provide information necessary for trustees to determine whether or not to pursue damage assessment and restoration. Pre-assessment may include initial evaluation of extent of injury, including preliminary data collection and analysis, and the development of a damage assessment plan.
- 2. Restoration Planning:** Restoration planning is done in order to determine the injuries or losses, the extent and timeframe of losses, determine what should be restored, available methods for restoration and the appropriate extent of restoration.
- 3. Restoration Implementation:** The goal of restoration is to make the environment and the public whole following an injury or loss of natural resources and associated services, as a result of a discharge of oil. In order to accomplish this the trustees implement restoration activities designed to restore injured resources to their pre-spill or baseline, condition, and seek compensation for the loss of injured resources or services. Litigation or negotiation with the responsible party may be pursued to fund these activities and compensate for lost use.

For additional information, visit the following website:

<http://www.epa.gov/superfund/programs/nrd/primer.htm>