

Onondaga Lake

Natural Resource Damage Assessment and Restoration Trustee Council



Fact Sheet: What is Natural Resource Damage Assessment

The U.S. Department of the Interior Fish and Wildlife Service, New York State Department of Environmental Conservation, and the Onondaga Nation, collectively "the Trustees" of Onondaga Lake, are conducting a Natural Resource Damage Assessment (NRDA). The goal of the NRDA process is to restore, replace, or acquire the equivalent of trust resources injured as a result of the release of hazardous substances to the environment. This Fact Sheet provides a brief overview of NRDA.

What are 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 C.F.R. 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. **Baseline** is the conditions that would exist but for a release of hazardous substances. 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. Responsible parties also are liable for reasonable assessment costs. **Natural resource damage assessment (NRDA)** 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).

Who has authority to undertake NRDA's?

Federal, State, and Indian tribal governments can make a claim for natural resource damages as natural resource **Trustees**. The legal authority for Trustees to collect natural resource damages comes from Federal laws such as the Comprehensive Environmental Response, Compensation, and Liability Act (commonly referred to as the Superfund), the Clean Water Act and the Oil Pollution Act. State law (such as New York State Navigation Law) also provides the authority to collect natural resource damages. The U.S. Environmental Protection Agency (EPA) is not a Trustee agency; however, the Trustees are working in close cooperation with EPA on remedial and NRDA activities.

How is NRDA different from site clean-up?

Collecting natural resource damages and restoring injured resources is not intended as a "second cleanup." Cleanups focus primarily on eliminating or reducing risks to public health and the environment. Trustees instead focus on injuries to natural resources and the associated service losses that remain after cleanup. In addition, Trustees can collect damages for the injured natural resources and resource services from the time of injury until restoration is complete. Cleanup actions are not intended to address these "interim" losses.

Key Steps in an NRDA

1. Preparation of a Damage Assessment Plan

A plan for assessing damages to natural resources is produced by the Trustees, with input from the public.

2. Injury Assessment and Quantification

Injury to natural resources is documented and the magnitude and extent of the injury is determined.

3. Damages Determination

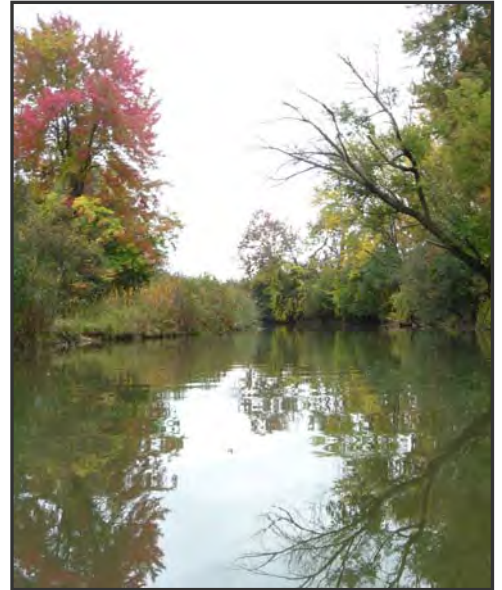
The magnitude of restoration required to compensate the public for injuries to natural resources, the cost of that restoration, and the value of any losses between the time when injury occurred and restoration is complete are determined.

4. Restoration and Compensation Determination Plan

Specific restoration projects are evaluated and selected, with input from the public.

5. Natural Resource Restoration

Selected restoration projects are implemented.



Ninemile Creek, tributary to Onondaga Lake

Where in the process is the Onondaga Lake NRDA?

According to the U.S. Department of the Interior regulations for the conduct of NRDA (43 C.F.R. Part 11) the first step in a NRDA is the development of a Damage Assessment Plan. The New York State Department of Environmental Conservation produced a Damage Assessment Plan in 1996. Since publication of that Plan, the U.S. Department of the Interior and the Onondaga Nation have joined the State as natural resource Trustees, and the Trustees and Honeywell have entered into a legal agreement to pursue the NRDA cooperatively. At this time, the Trustees are creating an addendum to the 1996 Damage Assessment Plan which will define the path of the assessment going forward. This addendum will be released to the public for comment prior to finalization. Once the Damage Assessment Plan Addendum has been finalized (Nov 2011), the Trustees anticipate undertaking assessment activities, including review of available information related to natural resource injury, and conducting new injury assessment studies, as necessary.

What is the role of the public in the NRDA process?

The Trustees are required to involve the public in the NRD process. The Trustees look forward to communicating with the public in the future through fact sheets, web sites, and public meetings.



Bird nesting box on Onondaga Lake

Additional Information

For more information on the Onondaga Lake NRDA, please contact:

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