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# A Brief Overview of: Natural Resource Damage Assessments

**Andy Tirpak**  
**Natural Resource Trustee**  
**Texas Parks and Wildlife Department**  
**[andy.tirpak@tpwd.texas.gov](mailto:andy.tirpak@tpwd.texas.gov)**



# Introduction to Natural Resource Damage Assessment (NRDA)

## What is NRDA?

A legal process to determine

- Injuries to or lost use of the public's natural resources
- Appropriate amount & type of restoration needed to offset losses
- Goal is to “make public whole” following release of hazardous substances & oil
- Federal, State and Tribal “Trustees” representing the public are required to demonstrate causality between release and resource injury and lost use



# Who are the Trustees?



## Federal authorities

- National Oceanic and Atmospheric Administration (NOAA)
- United States Fish & Wildlife Service (USFWS)

## State agencies

- Texas Commission on Environmental Quality (TCEQ)
- Texas General Land Office (TGL)
- Texas Parks and Wildlife Department (TPWD)

## Native American Tribes



# NRDA Laws and Regulations

## NRDA Statutory Authorities:

- CERCLA (Superfund)
- Oil Pollution Act of 1990
- Clean Water Act
- National Marine Sanctuaries Act (16 USC 1431 et seq.)
- Park System Resource Protection Act (16 USC 19 JJ)
- Applicable State laws

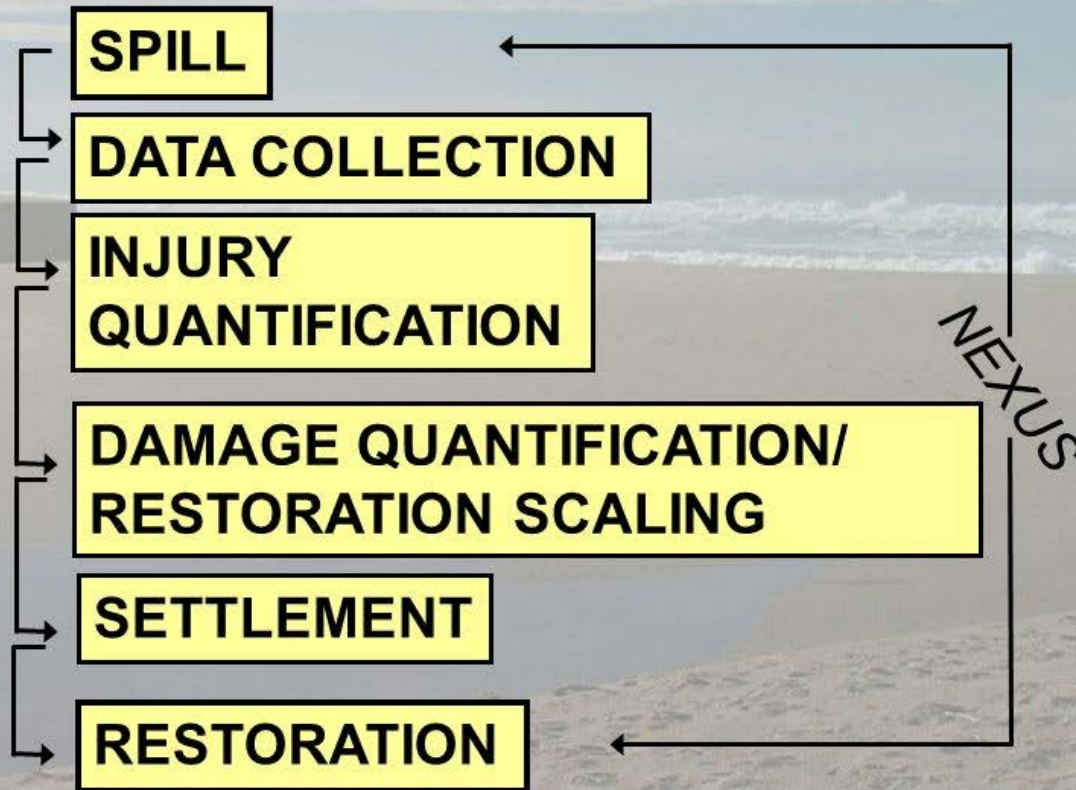
## NRDA Regulatory Authorities:

- CERCLA regulations, DOI (43 CFR Part 11)
- OPA regulations, NOAA (15 CFR Part 990)
- National Oil and Hazardous Substances Pollution
- Contingency Plan (NCP) (40 CFR Part 300)

**States may also have NRDA Statutes**



# The NRDA Process



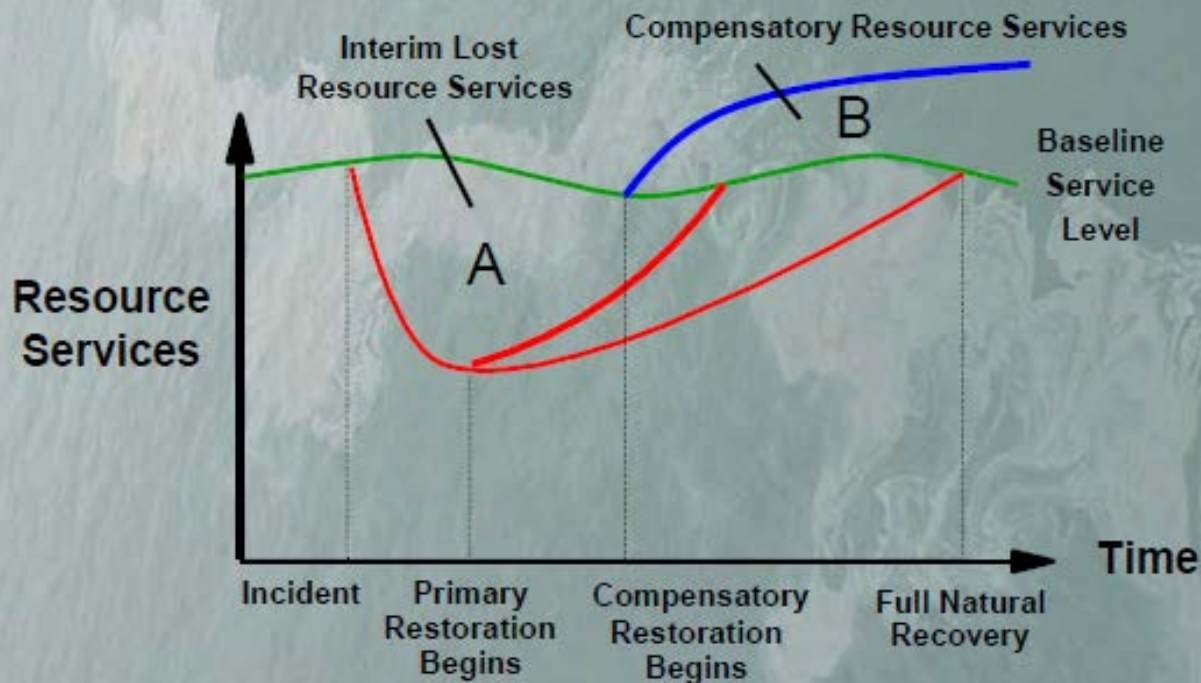
# Assessment: What is considered an injury?

**“Injury” includes adverse effects on:**

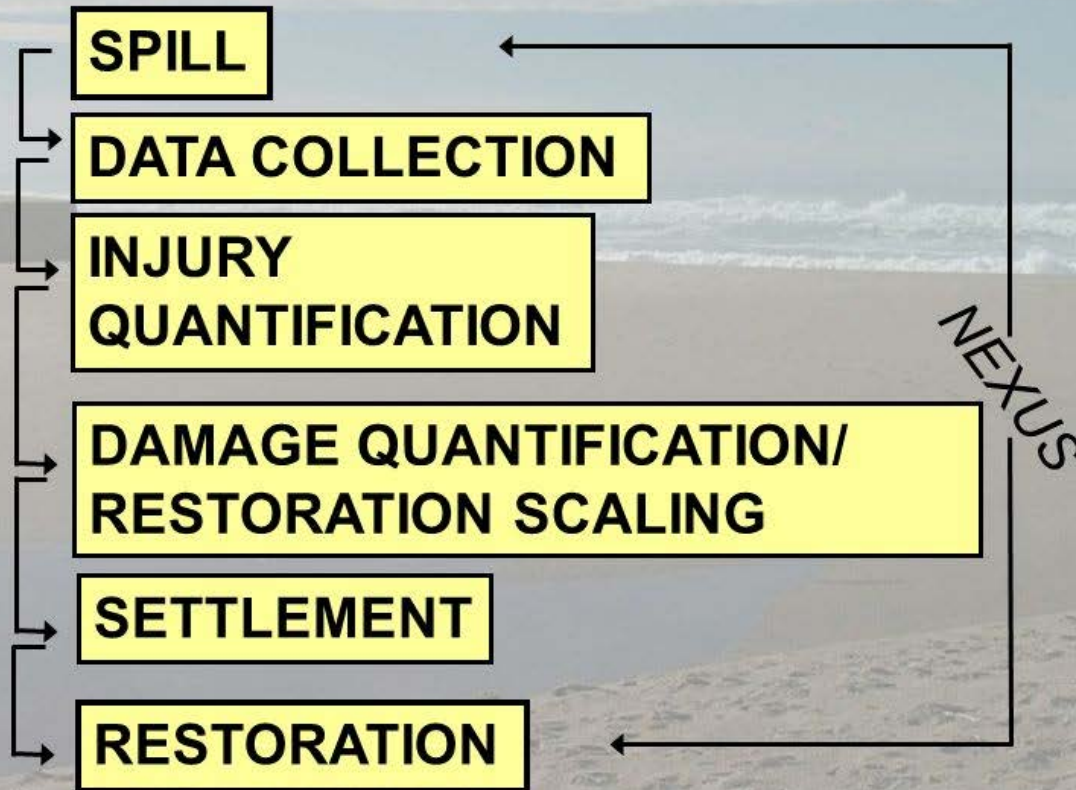
- Survival, growth, and reproduction
- Health, physiology and biological condition
- Behavior
- Community composition
- Ecological processes and services
- Physical and chemical habitat quality or structure
- Public services, such as recreation



# Scaling Injuries and Restoration



# The NRDA Process





**Julie N Spill  
Portland Maine  
October 1996**



**Recovered marsh  
July 1997**



# NRDA Process

## NRDA is Restoration-Focused

- Purpose is to determine type and amount of restoration needed to compensate the public for injuries to their resources
- Restoration is considered early and throughout the process
- Injuries are balanced against, and directly scaled to restoration

## NRDA as a Cooperative Process

- Getting to restoration requires a common vision & coordination with Co-Trustees and the public
- Moves faster if Responsible Party shares the same vision and works cooperatively with the Trustees

## NRDA is a Legal Process

- Trustees are required to demonstrate causality between release and resource injury and lost use; sound science is key to success
- Strategy must be encompassing and flexible

