

Restoring Public Natural Resources

Federal agencies, states, and Indian tribes—collectively known as trustees—are authorized with evaluating the impacts of oil spills on public natural resources. The spiller pays the costs of assessment and restoration. Natural Resource Damage Assessment (NRDA) is the process that trustees use to study the effects of spills on fish, wildlife, surrounding habitats, and the public use of those resources. Scientists work together to identify the extent of damages, specify the type and amount of restoration required and then oversee the restoration efforts.

Federal Process for NRDA

The U.S. Oil Pollution Act of 1990 established a federal process for assessing damages to federal resources based on the analysis of the pathway, exposure, and injury of public resources.

The first phase of a NRDA is **pre-assessment**. Trustees determine whether impacts to natural resources have occurred as a result of the spill. This includes collecting time-sensitive data and reviewing scientific literature about the released substance and its impact to determine the extent and severity of environmental damage. Mathematical models may be used to help predict the fate and effects of the spill on natural resources. If resources are damaged as a result of the incident, trustees proceed to the next step of the NRDA process.

If the trustees have determined that resources or their uses may have been adversely affected, they move on to **injury assessment**. In this phase, trustees use scientific studies to determine which resources have been injured and to what degree (quantification). Economic studies may be used to assess the loss of public use of these resources. An oil spill can also restrict the public's use of affected areas, and in order to compensate for this loss of use, the NRDA process can lead to projects that improve access to the water and other resources, such as the construction of boat ramps and fishing piers.

In a parallel process, the trustees also begin to identify possible restoration projects to offset injuries and lost uses. These studies form the scientific foundation of a **restoration plan**, the third phase, which outlines alternative approaches to speed the recovery of impacted natural resources and compensate for their loss or impairment from the time of impact to recovery.



Common examples of restoration projects include:

- Replanting wetlands.
- Improving fishing access sites.
- Creating oyster reefs.

Washington State Process for NRDA

The federal process is typically only used about once a year in Washington – and then only for major oil spills. Washington State NRDA laws and rules established a simplified process. Washington calculates NRDA using a Compensation Schedule – or table – based on natural resource vulnerability, oil type, and volume of oil spilled. Damages collected through the state process are deposited into a state account that funds high priority public restoration projects. Finally, spillers who can quickly remove spilled oil from the water may not have to pay full damages because they are eligible to receive partial credit for the amount of oil they clean up. This “recovery credit” provides an incentive for spillers to take immediate action when they have a spill.