

# Natural Resource Damage Assessments



IDNR, Adele Hodde

**Goal:** To make the environment and public whole for injuries to natural resources and services resulting from an incident involving a discharge or substantial threat of a discharge of oil (15 C.F.R. Part 990.10) or a release of a hazardous substance (43 C.F.R. Part 11).

## What is a Natural Resource Damage Assessment (NRDA)?

A process that authorizes Trustees to seek compensation for the public for injuries to natural resources and services resulting from the discharge or substantial threat of a discharge of oil (15 C.F.R. § 990.10) and/or a release of a hazardous substance (43 C.F.R. Part 11). To compensate the public for the lost uses of injured resources the Trustees restore, rehabilitate, replace or acquire equivalent natural resources (43 C.F.R. § 11.81).

## What federal and state laws authorize NRDA?

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) otherwise known as Superfund
- Federal Clean Water Act (CWA)
- Oil Pollution Act (OPA) of 1990
- Common law principles and various state statutes

## Who administers NRDA?

Designated officials from federal, state, or tribal governments act as trustees to protect public interest in natural resources and the services they provide.

## The State of Illinois Trustees are:

- Illinois Department of Natural Resources (IDNR)
- Illinois Environmental Protection Agency (IEPA)

With legal representation from Illinois Attorney General's Office

## What is a Cooperative Assessment?

Activities conducted by possible responsible parties and trustees in a collaborative context to assess injury and assess damages with a focus on achieving “early/timely” restoration and resolution of liability without costly litigation.

## What is a natural resource?

Plants, animals, land, air, water, groundwater, drinking water supplies, and other similar resources belonging to, managed by or otherwise controlled by the United States or a state or local government.

## What is baseline?

Natural resource conditions that would have existed but for the contamination of the environment.

## What is an injury?

a measurable adverse change in the chemical or physical quality or the viability of a natural resource. Examples: death, disease, genetic mutations, reproduction malfunctions, and physical deformations.

## What is service loss?

a loss of an ecological and/or human use provided by a natural resource. Examples: ecological – physical habitat, and food web interactions; human – drinking water and recreation.

## What are Damages?

Value of the restoration necessary to restore the injured resource and compensate the public for the injury.

## How does the public get involved in the NRDA process?

- Review the documents made available to them and provide comments.
- Attend community informational meetings and inquire about progress/status

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