

Ecology cares about cleaning up and restoring natural habitats across the state. Natural Resource Damage Assessment and Restoration (NRDAR) is one tool Ecology and other natural resource trustees use to restore, recover or protect habitats that have been injured by contaminants. Hundreds of acres of restoration and protection have occurred under the NRDAR process.

This fact sheet focuses on the NRDAR efforts in Ecology's Toxics Cleanup Program. Other programs such as [Spills](#) and [Nuclear Waste Programs](#) have NRDAR efforts too.

What is NRDAR?

NRDAR allows state and federal agencies, and tribes to determine what restoration will compensate for injuries to natural resources resulting from a release of hazardous substances.

Injuries: A release of hazardous substances can injure natural resources by:

- Harming land, water or sediment that provides habitat or other natural resource services.
- Injuring aquatic life, birds and other biological resources.

Assessing Damages and Planning Restoration: Resource Trustees, state and federal agencies, and tribal governments, work together to determine damages and reach agreements with liable businesses, ports, and local governments to restore these injured resources.



Shoreline restoration at Strawberry Plant Park on Bainbridge Island.



Why does NRDAR matter?

NRDAR allows state and federal agencies, and tribes to determine what restoration will compensate for injuries to natural resources.

Commonly used acronyms defined on page 4.

For more information

Donna Podger
Department of Ecology
Toxics Cleanup Program
PO Box 47600
Olympia, WA 98504-7600
(360) 407-7016
dpod461@ecy.wa.gov

Toxics Cleanup Program NRDAR website
http://ecy.wa.gov/programs/tcp/sites_brochure/NRDAR/index.html

Spills Program NRDAR website
<http://www.ecy.wa.gov/programs/spills/restoration/index.html>

Nuclear Program NRDAR website
<http://www.hanfordnrda.org/>

Special accommodations

If you need this publication in an alternate format, please call the Toxics Cleanup Program at (360) 407-7170. Persons with hearing loss can call 711 or Washington Relay Service. Persons with a speech disability can call (877) 833-6341.

Restoration: Many NRDAR efforts have focused on restoring aquatic ecosystems. They create or improve habitats to benefit salmon and other aquatic life, and birds and wildlife dependent on the ecosystem. Restoration also benefits people who use natural resources as a source of food, recreation, and other enjoyment.

Focus on Natural Resource Damage Assessment and Restoration (NRDAR)

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What is the NRDAR process?

CERCLA and OPA regulations recommend establishing a trustee council of federal and state agencies and tribal governments that have natural resource trust authority. Most NRDAR processes use a trustee council.

In Washington, the governor designated Ecology as the state's NRDAR representative. Washington Department of Natural Resources (DNR) and Department of Fish and Wildlife (WDFW) also have trust responsibilities for natural resources of the state. Ecology works with these state agencies as needed.

What are the results of NRDAR?

In most NRDAR settlements to date, a liable party has voluntarily done a restoration project to resolve its liability for a potential NRDAR claim. These projects are sometimes done in conjunction with cleanup to provide cost savings.

Typical restoration projects might include:

- Creating or improving nearshore habitat such as wetlands, mudflats, and riparian buffers.
- Improving river habitats and protecting floodplains.

These restoration projects may be completed by the liable party, the Trustee Council, or a third party using funds from the liable party.



Riparian (riverbank) restoration along Hylebos Creek supports salmon spawning.



NRDAR settlements have created or contributed to:

- 225 acres of completed habitat improvements.
- Over 400 acres of habitat improvements that are in planning or under construction.
- More than 275 acres of habitat acquired and protected.
- Outreach and education projects.
- Other shoreline and water quality improvements.

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Natural Resource Damage Assessment and Restoration Efforts in Washington

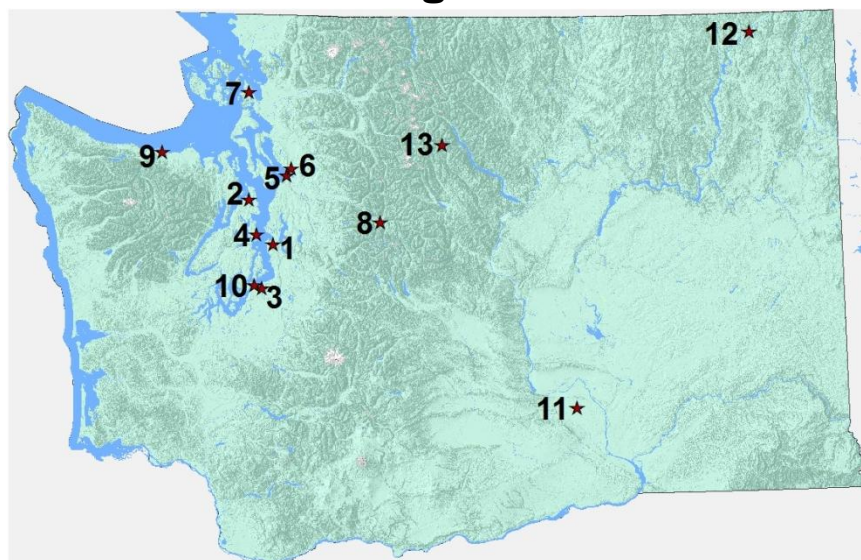


Figure 1. Map of Natural Resource Damage Assessment and Restoration efforts underway in Washington State related to toxic contaminants. Not shown are NRDAR efforts related to oil spills.

Table 1: Toxic Contaminant Natural Resource Damage Assessment and Restoration Efforts

Map #	Council Name	Phase
1	Elliott Bay Trustee Council (Lower Duwamish & Harbor Island)	Seven restoration projects are under construction or complete. More early settlements are in process. Beginning full injury assessment.
2	Port Gamble Trustee Council	Injury assessment is underway.
3	Commencement Bay Trustee Council	Restoration settlement/ long-term restoration oversight.
4	Wyckoff Eagle Harbor Settlement	Restoration planning and implementation managed by Trustee Council.
5	Port Gardner Trustee Council	Injury assessment is underway.
6	Tulalip Landfill Trustee Council	Restoration planning and implementation.
7	Scott Paper Anacortes Settlement	Restoration completed with monitoring continuing.
8	BNSF Skykomish Settlement	Restoration projects completed.
9	Port Angeles Trustee Council	Injury assessment is underway.
10	ASARCO Settlement	Restoration and acquisition projects are underway.
11	Hanford Trustee Council	Injury assessment is underway
12	Upper Columbia River Trustee Council	Injury assessment is underway.
13	Holden Mine Trustee Council	Trustee Council re-engaged to update injury assessment.

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What is the legal basis for NRDAR?

Five federal statutes and three state statutes authorize NRDAR. Each has different purposes, processes, types of damages covered, and jurisdictions. The most commonly used statutes are:

- State statutes for hazardous substances (MTCA) and spills (OHSSPRA).
- Federal statutes for hazardous substances (CERCLA) and oil (OPA).

The state is designated as a natural resource trustee in both the state and federal regulations. The state can file a claim in either state or federal court.

NRDAR for spills: Washington state has developed detailed regulations for NRDAR for spills (WAC 173-183). Ecology's [Spills Program](#) oversees this work

NRDAR for cleanup sites: Ecology's Toxics Cleanup Program uses the CERCLA and MTCA authorization to pursue NRDAR settlements on toxic cleanup sites. The federal government (Department of Interior) has optional guidance on how to do NRD assessments under CERCLA. The state may pursue NRDAR settlements under the MTCA statute, but has not developed guidance for NRDAR assessments under MTCA.



Ron Thom with PNNL Marine Sciences Lab prepares eelgrass for planting at the Old Milwaukee Dock eelgrass restoration project.

Definitions

CERCLA: Comprehensive Environmental Response, Compensation and Liability Act. 42 U.S.C. §9607 (statute). Federal legislation that includes authorizing NRDAR for release of hazardous substance in any environmental media including water, sediment, soil, groundwater, air, and biota. The U.S. Department of the Interior has provided optional guidance on how to perform NRDAR assessments (43CFR11).

MTCA: Model Toxics Control Act. 70.105d RCW State legislation that includes authorization for cleanup and natural resource damage assessments for sites with hazardous substances.

OHSSPRA: Oil & Hazardous Substance Spill Prevention and Response Act. RCW 90.56 State legislation that includes authorizing NRDAR for spill of hazardous substances, including oil, in the waters of the state.

OPA: Oil Pollution Act. 33 U.S.C. §2701. Federal legislation that authorizes NRDAR for oil and petroleum products in U.S. navigable waters and adjoining shorelines.