

## **NRDAR DEFINITIONS and TERMINOLOGY (adopted from BLM NRDAR Handbook)**

**Affected Bureau.** A bureau that regards itself as being “affected,” meaning that it has resource interests at a site and wishes to participate in site-specific NRDAR activities.

**Authorized Official (AO).** The manager from a Bureau, involved in a NRDAR case, which represents the trusteeship interests of the Secretary of the Interior to conduct natural resource damage assessment, restoration planning and implementation, in coordination with other agencies involved in the case.

**Baseline Condition.** The condition or conditions of a natural resource that would have existed at the assessment area had the discharge of oil or release of hazardous substance under investigation not occurred. The baseline condition is not necessarily the pristine or optimal condition and should take into account impacts on resources not related to the release.

**Case.** Site-specific NRDAR activities are “cases” because they ultimately involve a legal element, either a court-approved settlement with, or litigation against, a PRP. CERCLA response activities are commonly said to occur at “sites” and OPA response activities occur as a result of “incidents.”

**Compensable Value.** The value of actions undertaken to compensate public losses pending restoration. Related to “compensatory restoration” and “damages.”

**Compensatory Restoration.** This refers to actions that compensate for public losses that accrue during the time between the discovery of the injury and its restoration to baseline condition. This time period may begin at the time the resource injury or service loss begins, depending on legal considerations. Compensatory restoration is often conducted in lieu of or in addition to primary restoration to baseline condition. Compensatory restoration might include restoration of the injured resources to greater than baseline condition, provision of additional services on-site, or restoration, rehabilitation, replacement, or acquisition of equivalent resources or services off-site (“restoration”). Related to “compensable value” and “damages,” and distinguished from “baseline” or “primary” restoration, as defined by OPA.

**Damages.** A legal term for the amount of money sought in a claim made by trustee plaintiffs to PRP defendants; it includes the cost of assessing injuries as well as the cost of restoration implementation. Past damages accrue from the earliest point that injuries from releases can be determined, or authorization of the statute (e.g., December 1980 for CERCLA), up to the present. Future damages can include interim damages (from the present until restoration actions are completed and baseline condition is restored).

**Discounting.** An economic procedure that recognizes immediate benefits over delayed or future benefits. Discounting accounts for differences in the value of money today and either the past (greater value per dollar in the past) or the future (lesser value per dollar in the future). Discounting converts benefits or costs from different times such that they are comparable with each other.

**Emergency Restoration.** An immediate action that must be taken to avoid an irreversible loss of natural resources, to prevent or reduce continuing danger to natural resources, or abate an emergency situation.

**Ephemeral Data.** Data or information about site conditions or resources that may be available only temporarily and would be lost if not collected immediately, because of dilution, movement, decomposition, leaching, or other factors.

**Expedited NRDAR.** Achieving restoration at a site through NRDAR without implementing the entire regulatory NRDAR process. For a particular case, restoration planning or restoration actions may be completed without fully implementing NRDAR assessment steps such as the injury determination, quantification, or damages determination phases described in the full NRDAR regulatory process. Expedited NRDAR may be possible, for example, through cooperative agreement with PRPs (see Section 4 of this Handbook), or when restoration needs are known without conducting a full assessment.

**Exposure.** Contact between a hazardous substance, by-product, or oil and a natural resource. Exposure does not constitute an injury, but exposure to a hazardous substance is necessary to cause an injury.

**Habitat.** The physical, chemical, and biological attributes that together provide basic needs for plant and animal species and communities of organisms. Habitat components include temperature, moisture, light, structural features (e.g., stream banks, tree canopy), food sources, and nesting, hiding, and thermal cover. The term can be used to define surroundings on almost any scale from very large regions to very small microhabitats.

**Habitat Equivalency Analysis (HEA).** An accounting model used to calculate the ecological service losses from past, ongoing, and future injuries (the debit side of the model) and the future service gains from proposed restoration needed to equal the debit (the credit side of the model). The HEA is used in cases of habitat injury when the service of the injured area is ecologically equivalent to the service that will be provided by the replacement habitat.

**Hazardous Substances.** Under CERCLA, “hazardous substances,” as defined at 40 CFR §300.5, refer to some 800 toxic substances including metals, organics, solvents, and pesticides, as listed at 40 CFR §302.4, Table 302.4 List of Hazardous Substances and Reportable Quantities. The CWA lists additional hazardous substances at 40 CFR §116.5, Table 116.4.

**Injury.** Under OPA, injury is defined as an observable or measurable adverse change in a natural resource or impairment of a natural resource service. Injuries can occur directly or indirectly. Categories of injury include, but are not limited to, adverse changes in survival, growth, and reproduction; health, physiology, and biological conditions; behavior; community composition; ecological processes and functions; physical and chemical habitat quality or structure; and public services. Under CERCLA, injury is defined similarly, as a measurable adverse effect on the physical, biological, or chemical quality of a natural resource. Specific injuries are defined in CERCLA NRDAR regulations at 43 CFR §11.62 for the following five categories of natural resources:

- Air;
- Biological resources;
- Ground water;
- Surface water resources including water, suspended sediments, and sediments comprising the beds, banks, and shoreline of a surface water body; and
- Geologic resources, including soils, subsurface materials, and other sediments.

**Interim Loss.** The loss of natural resource services over a period of time, such as from the onset of resource injury, or the beginning of trustee authority to claim damages (promulgation of CERCLA in December 1980), until the return of the resource to its baseline condition, whether by restoration actions or natural recovery.

**National Contingency Plan.** The National Oil and Hazardous Substance Pollution Contingency Plan (NCP), promulgated by EPA pursuant to Section 105 of CERCLA and codified in 40 CFR Part 300.

**Natural Resource.** Surface water, sediments, soils, subsurface materials—including ground water and geologic materials, biota—including plants and animals, habitats on which biota depend, and air.

**Pathway.** The route or medium through which a hazardous substance travels from the point of release to the injured resource.

**Potentially Responsible Party (PRP).** A person or entity believed to have liability for response costs and/or natural resource damages, under the law, for a CERCLA release or an OPA oil spill.

**Pollutant.** Any element, compound, substance, or mixture, as defined by Section 101(33) of CERCLA that, after release into the environment and upon exposure to any organism, either directly or indirectly, does, or may be anticipated to, cause injury to such organisms or their offspring. See also *hazardous substance*.

**Primary Restoration.** Actions that restore, replace, rehabilitate, or acquire the equivalent of the injured natural resources. Sometimes called “baseline” restoration because actions bring injured resources back to baseline condition.

**Removal Site Evaluation (RSE).** The evaluation of a CERCLA site early in the response process for the purpose of planning and conducting removal actions. The RSE typically precedes the more comprehensive remedial process that may be necessary at a site.

**Resource Equivalency Analysis (REA).** An accounting model used to calculate the ecological service losses from past, ongoing, and future injuries (the debit side of the model) and the future service gains from proposed restoration needed to equal the debit (the credit side of the model). Specifically used for scaling losses of fish, birds, other biota, and other natural resources.

**Restoration.** Actions that accomplish the restoration, rehabilitation, replacement, and/or acquisition of equivalent resources and that are intended to return injured resources and services

to baseline condition, and compensate the public for interim losses. Restoration can include actions that improve the quality of natural resources off-site and/or out-of kind to address cumulative losses of resources or services over time as a result of the injury.

**Services.** Natural resources provide ecological and human services. Examples of ecological services include nutrient cycling, habitat, water storage and release, and erosion control. Examples of human use services include recreational use (e.g., fishing, hiking, bird watching), and extractive and consumptive use (e.g., mining, grazing), as well as nonactive uses like the appreciation people feel knowing that habitat is protected for wildlife and for enjoyment by future generations of people.

**Trustee Council.** The formal group of representatives from agencies that are trustees, under CERCLA or OPA, for resources or services affected at a NRDAR site. Normally on the basis of a Memorandum of Understanding (MOU), the Council conducts NRDAR activities to obtain monetary damages to restore injured natural resources under their jurisdictions, and to plan, implement and oversee restoration that may be available only temporarily and would be lost if not collected immediately, because of dilution, movement, decomposition, leaching, or other factors.

**Trusteeship.** DOI Bureaus act as a “trustee” on behalf of the Secretary of the Interior for natural resources managed or controlled by the individual bureau. These resources include: individual natural resources such as soils and sediments, plants, fisheries, birds, and wildlife; and habitats such as wetlands and riparian, aquatic, and upland habitats. The bureaus assert trusteeship for the services provided by these natural resources, such as recreational, cultural, scenic, and scientific uses. The bureaus also assert trusteeship for access to or availability of legally recognized consumptive uses of surface water and ground water and to the Federal mineral estate.