The Fernald Preserve
Natural Resource Damage Settlement

John Homer
Navarro Research & Engineering, Inc.

Session: Track 7.2: An Overview of Transactional Considerations in the Revitalization of Federally Owned, Environmentally Impaired or Impacted Property
Other Contributors

Sue Smiley
DOE Office of Legacy Management
Fernald Preserve
Remediation
Legacy Management
CERCLA Natural Resource Damage Liability

- CERCLA Section 107 states that Potentially Responsible Parties are liable for “injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury…”
- Natural Resources are defined as “land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States …[or] any State or local government…”
CERCLA Natural Resource Damage Liability

- Damages are dollar amounts that include the cost of assessing and restoring injured resources and compensation for interim loss of services the resources provide
- Trustees are defined in the National Contingency Plan as the Secretaries of Cabinet Departments within their respective management or control
- The National Contingency Plan assigns the governor of each state to act as Trustee for state natural resources
Natural Resource Damage Assessment
Settlement Negotiations
Site-wide Ecological Restoration
Restoration Implementation
Final Settlement
Restored Area Maintenance Plan
Ecological Monitoring
What’s Next?
Questions?