

ONRT Strategic Plan – FY22 Edited March 23, 2022

Executive Summary

The Natural Resources Trustee implements New Mexico's Natural Resource Damage Assessment and Restoration (NRDAR) Program. The goal of the Program is to compensate communities that have been affected by pollution by restoring, replacing, or acquiring the equivalent of natural resources and the services they provide that have been injured destroyed or lost due to release of oil or hazardous substances as directed by the New Mexico Natural Resources Trustee Act (NMSA 1978, §§ 75-7-1 et seq.); the [Comprehensive Environmental Response, Compensation, and Liability Act of 1980](#) (CERCLA), as amended (42 U.S.C. §§ 9601, et seq.; [Oil Pollution Act of 1990](#) (OPA) (33 U.S.C. §§ 2701, et seq.); and the [Federal Water Pollution Control Act or Clean Water Act](#) (CWA), as amended (33 U.S.C. §§ 1251, et seq.)

Under the direction of the Trustee, the Office of Natural Resources Trustee (ONRT) identifies, investigates, and prioritizes NRDAR cases to maximize program effectiveness, performs natural resource damage assessments, negotiates settlements with responsible parties, and develops and oversees the implementation of natural resource restoration projects.

Mission

To act on the behalf of the public to restore, replace or acquire the equivalent of natural resources and the services they provide within the state or belonging to, managed by, controlled by or appertaining to the state, which are injured, destroyed, or lost due to release of oil or hazardous substances into the environment. Natural resources include ground water, surface water, drinking water, soil, fish, aquatic habitat, wildlife, wildlife habitat, biota, and other such biological and geological resources.

Definitions

Injury - Natural resource "injury" is a measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge of oil or release of a hazardous substance, or exposure to a product of reactions resulting from the discharge of oil or release of a hazardous substance (43 CFR § 11.14(v)). Injury also includes impairment of a natural resource service (15 CFR § 990.30) and impacts caused by response actions (43 CFR § 11.15(a)(1) and 15 CFR § 990.51(b)(2)(ii)).

Examples include: contamination of surface or groundwater; impairment of the survival, growth and reproduction of biological resources; and lost human or cultural use of the resource.

Damages - Damages are the amount of money sought by the natural resource trustees as compensation for injury, destruction, or loss of natural resources (43 CFR § 11.14(l)) and the services they provide. This includes the cost of restoring, rehabilitating, replacing, or acquiring the equivalent of, the damaged natural resources; the diminution in value of those natural resources pending restoration; plus the reasonable costs of assessing those damages (33 U.S.C. § 2706(d)(1)).

Examples include: Monetary payments to trustees for restoration projects; grants or purchases of restoration-based land purchases or easements; and funding for programs that compensate for lost cultural resources.

Program - Natural Resource Damage Assessment and Restoration Program (NRDAR)

Goal - Restore, replace, or acquire the equivalent of injured, destroyed or lost natural resources and the services they provide.

Strategic Objectives

Objective: Maximize program effectiveness.

Strategy: Identify, investigate, and prioritize NRDAR cases based on a review of readily available information.

Strategy: Collaborate, as appropriate, with other natural resource trustees.

Strategy: Educate New Mexico residents about the mission and benefit of ONRT activities.

Strategy: Utilize all available resources to develop successful NRDAR claims.

Objective: Assess natural resource injuries throughout the state.

Strategy: Perform natural resource damage assessments cooperatively with responsible parties when possible for more cost-effective and timely results.

Strategy: Perform unilateral natural resource damage assessments when responsible parties are unwilling to participate in cooperative assessments.

Strategy: Coordinate with other state, federal, and tribal agencies to identify injured resources and restoration projects.

Objective: Settle or litigate natural resource damage claims.

Strategy: Negotiate and settle the State's natural resource damage claims with responsible parties.

Strategy: Refer damage claims to the New Mexico Attorney General for litigation if a settlement with responsible parties cannot be reached.

Objective: Implement natural resource restoration projects.

Strategy: Seek public input on potential restoration projects and prepare restoration project plans for public comment on proposed projects and alternatives.

Strategy: Partner with stakeholders to develop and oversee the implementation of natural resource restoration projects.