

Natural Resource Damages

For more than half a century, Pillsbury has represented national and international clients in high-stakes environmental liability cases, drawing on our deep understanding of evolving international, federal and state environmental policy and regulation.

Companies who have fully complied with environmental investigations and cleanups may still be subject to natural resource damage (NRD) claims by state, federal and tribal agencies. Pillsbury's Environmental lawyers have been at the forefront of natural resource damages law since its statutory inception. No other law firm can bring to bear the kind of innovative legal acumen in practice at Pillsbury. Should your company be at risk of a claim, our team is ready to address your challenges by providing the best advice to quantify and limit the scope of the claim. Whether you are facing a potential claim, a pre-litigation demand or a lawsuit, Pillsbury's seasoned team will guide you through critical decision-making for the best possible outcome.

What's at Stake?

Natural Resource Damages claims are available to federal, state and tribal agencies under the Oil Pollution Act (OPA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)—better known as the Superfund law—and state and tribal analogues. Intended to compensate trustees of the public resources for the costs to restore, replace or acquire the equivalent of natural resources injured by releases of hazardous substances, NRD claims are residual civil liabilities that can survive environmental investigation and cleanup. Natural resources include land, fish, wildlife, biota, air, water, ground water, drinking water supplies,

and other resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States, any state or local government, any foreign government, or any Indian Tribe. Recoverable damages include costs of assessment, which can be extensive, as well as lost use of resources, and the cost to restore or replaced damages resources.

Pioneers in NRD Claims

Our lawyers have played an integral role in the development of NRD assessment regulations while serving in high levels of government, and they can speak to these matters with the level of insight that only hands-on experience offers. Members of our Environmental team have held leadership roles at key federal regulatory agencies, including the National Oceanic & Atmospheric Administration, Department of the Interior, Environmental Protection Agency, Department of Energy and Department of Justice.

With a perspective that's both bird's eye and in the thick of things, our lawyers have pioneered the use of econometric models such as Habitat Equivalency Analysis, which have profoundly improved parties' ability to settle NRD claims efficiently while leading to regulatory improvements that minimize costs. Pillsbury also helped catalyze the development of Texas Risk Reduction Program (TRRP) rules for resolving NRD claims without litigation.

Nationwide Know-How

Our team is based in the United States' most active environmental law centers—Washington, DC, California and Texas—and has longstanding relationships with local law firms in other states and around the world. We have resolved more than 40 NRD cases throughout the U.S. under CERCLA, OPA and various state analogues.

Pillsbury attorneys have responded to more than 100 oil spills, including the assumption of leading roles in the Exxon Valdez and Deepwater Horizon spills.

Oil Spills

- *Exxon Valdez*
- Bouchard 55, FL
- Bayway, NY
- Fish Creek/ARCO, IN
- Sugarland Run, VA
- Morris J. Berman, Puerto Rico
- Colonial Pipeline, TX
- Koch Industries, TX
- Tampa Bay, FL
- Honolulu, HI
- Puerto Rico

Oil Refineries/Terminals

- Bayou Verdine, LA
- Paulsboro, NJ
- Port Arthur, TX
- Col-Tex Site, TX
- New Jersey

Chemical

- Clooney Loop, LA
- Defense Contracting Sites (Perchlorate)
- OfficeMax, CA
- Shore Realty Corp., NY
- South Valley, NM
- MacIntosh, AL
- Harbor Island, WA
- New Bedford Harbor, MA
- Montrose Chemical, CA

Metals

- Teck Metals, USA/Canada
- Hudson River, NY
- Homestake Mine, ND
- Questa Mine, NM

Others

- Union Pacific (Emissions)
- TRRP, TX (Rule Development)

About Pillsbury

Pillsbury Winthrop Shaw Pittman LLP is an international law firm with offices around the world, and a particular focus on the technology, energy & natural resources, financial services, real estate & construction, and travel & hospitality sectors. Recognized by legal research firm BTI as one of the top 20 firms for client service, Pillsbury and its lawyers are highly regarded for their forward-thinking approach, their enthusiasm for collaborating across disciplines and their unsurpassed commercial awareness.

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