

Cooperation: What It Takes!



Eli Reinharz
National Oceanic &
Atmospheric Administration
Ph: 301-713-3038, ext 193
E-mail: eli.reinharz@noaa.gov

Alternatives?



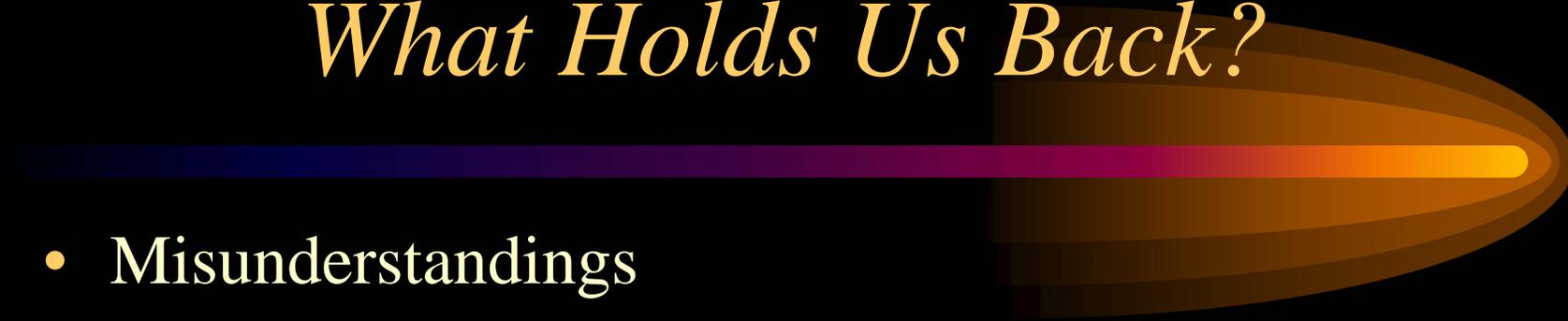
Form of Cooperation

- Provided under NRDA rules – timing, duration, decisionmaking, level of participation, agreements, public involvement
- Executive Order: Facilitation of Cooperative Conservation (Aug. 26, 2004) calls for Federal agencies to cooperate
- Cooperative approaches are still evolving
- Opportunity for creativity and flexibility

First Principles

- Focus on restoration – Outcome?
- Integrate restoration with response
- Use reasonable assumptions/criteria based on a sound framework
- The public is the ultimate customer – trustees need to address their concerns

What Holds Us Back?



- Misunderstandings
- Unrealistic expectations
- Fear
- Lack of trust and credibility
- Unsupportable statements
- Process is overwhelming
- Too many changes in the game
- Progress is too slow
- Beliefs – “The 4-Minute Mile” barrier

What is Needed?

- Define/commit to shared objectives – Be clear on why you are participating
- Design a process that fits these objectives – that allows participants to work together in a fair way and encourage all to share information
- Get the right people to the table
- Conduct the process incrementally
- Set aside, but do not avoid issues that must be considered

What it Takes to Come to the Table?



- Incentives
- Deal-breakers
- Trust
- Commitment
- Capabilities
- Benefit/cost of alternative approaches

- Did you do your homework? Pre-scope for comfort!

What it Takes to Stay at the Table?

- The outcome must drive the process
- There must be a framework
- There needs to be progress – milestones/schedule
- Participants must be upfront at all times and share risks
- Participants need to have a mechanism to deal with uncertainties and disagreements – they will arise
- Participants need to keep on assessing benefits and costs

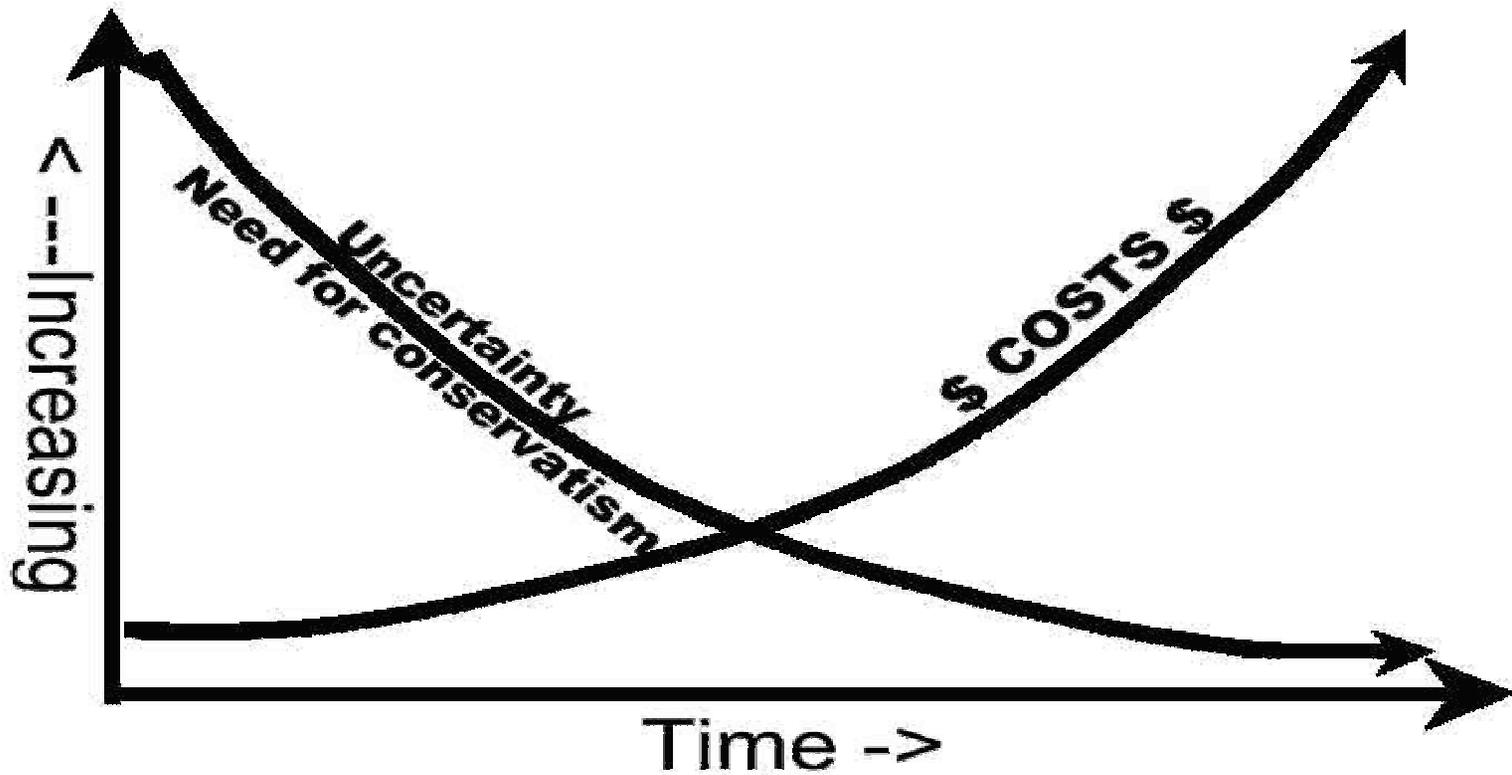
The Reasonable, Protective Approach - Concept

- It is sometimes better to use reasonable protective estimates of natural resource injuries/losses using existing, relevant information than to spend additional time and money for additional studies.
- This is not intended to reflect the absolute worst case scenario!

The Reasonable, Protective Approach - Steps

- Map contamination
- Relate contamination to potentially injured resources and lost services
- Scale injury/loss where it exists (%)
- Determine and weigh need for additional studies – integrate with response as possible
- Select and scale appropriate restoration projects
- Document the assessment process – including common database and graphics tools
- Base settlement on above determinations

Understanding the Costs of Science



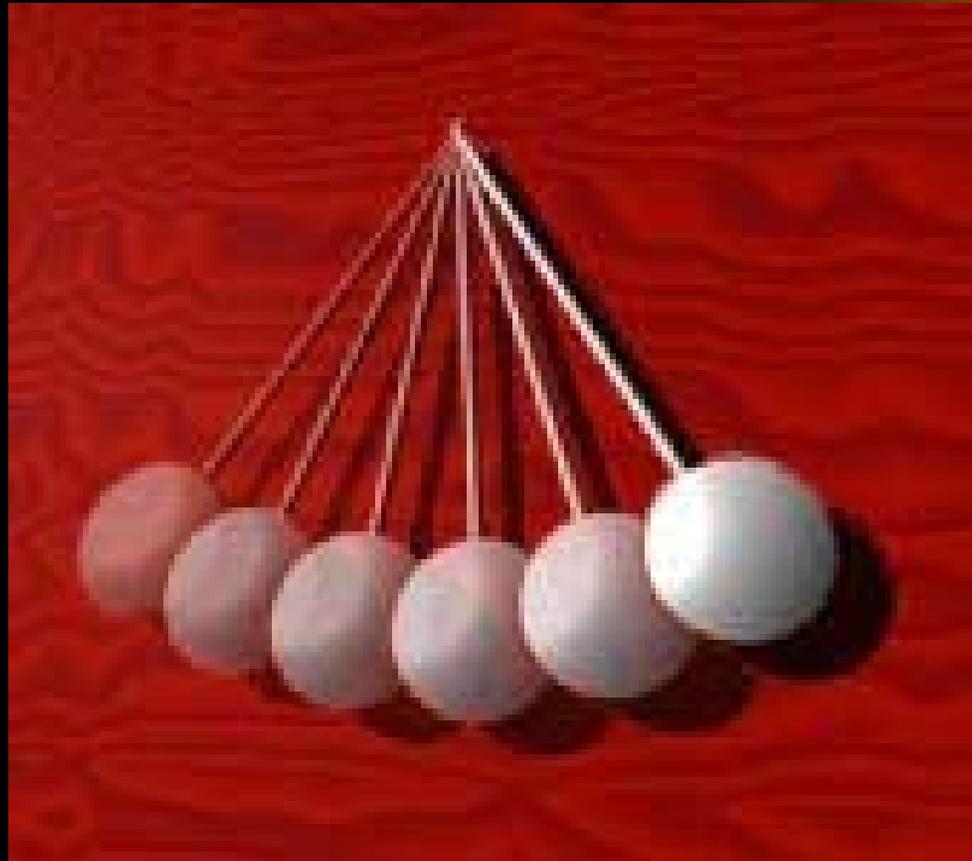
Representative Restoration Cases

Representative Assessment Costs	Mid-Water Artificial Reef Construction (\$220k/acre)	Marsh Creation (\$75-126k/acre)	Oyster Reef Creation (\$154k/acre)	Acquisition of Migratory Waterfowl Habitat in Midwest U.S. (\$320/acre)	Exclusion of Cattle from Salmon Habitat for 75 Years in Western U.S. (\$200k/mile)	Boat Ramp Construction (\$100k ea)
Sediment Contamination Survey (\$1.1m – 590 samples, full cont. analyses)	5.5 acres	8.7-14.7 acres	7.1 acres	3,478 acres	5.5 miles	11 ramps
Sediment Toxicity Testing (\$750k – 3 toxicity endpoints-field sediments, spiked assays—2 cont. using multiple exposure levels & reproductive endpoints)	3.8 acres	6-10 acres	4.9 acres	2,344 acres	3.8 miles	7.5 ramps
Fish Reproduction Testing (\$2m – Field & lab exposures—2 contaminants—multiple exposure levels & reproduction endpoints)	10 acres	15.9-26.7 acres	13 acres	6,250 acres	10 miles	20 ramps
Fish Health Scan (\$600k—Preliminary field scan—2 species @4 sites—2 contaminants—2 references—no chemistry)	3 acres	4.8-8 acres	3.9 acres	1,875 acres	3 miles	6 ramps
Bird Egg Gradient Analyses (\$460k – 200 eggs—10 species—60 mile gradient w. chemical analyses)	2.3 acres	3.7-6.1 acres	3 acres	1,438 acres	2.3 miles	4.6 ramps

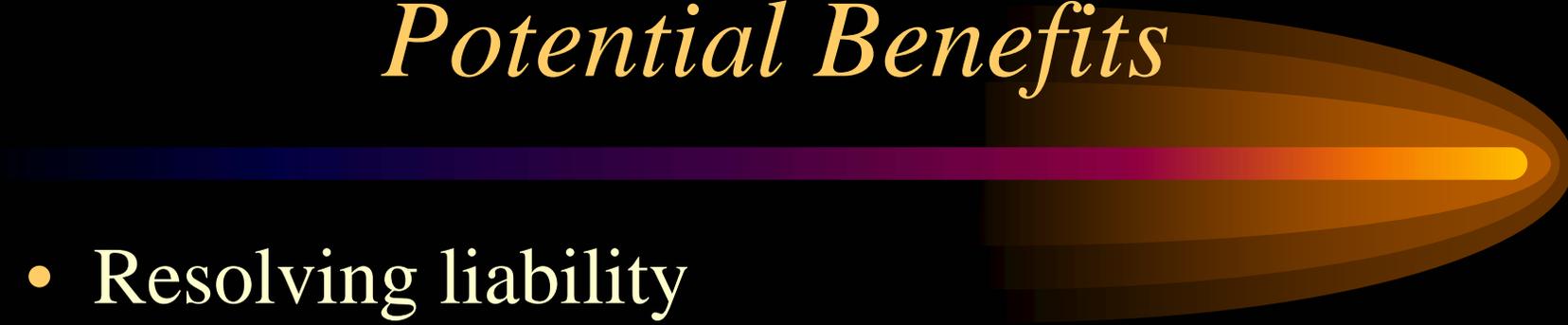
Examples of Cooperative Assessment Cases

- CA – East Walker River Oil Spill
- CO – Upper Arkansas River Basin
- CT – Former Remington Gun Club
- DE – Halby Chemical Superfund Site, Newport Delaware Superfund Site
- LA – Westchester Oil Spill, Bayou Trepagnier, Bayou Verdine
- MD – Chalk Point Oil Spill
- NY – St. Lawrence/Massena
- OR – Portland Harbor
- TX – Baily Waste Site, Tex-Tin, COL-TEX, Mobil Mining, Lavaca Bay, Port Arthur
- WA – Hylebos Waterway, Olympic Pipeline Company Oil Spill

Pendulum is Swinging towards Cooperation



Potential Benefits



- Resolving liability
- Investing in restoration, not confrontation
- Enhancing predictability and certainty
- Reducing transaction costs
- Ensuring commitment and continuity
- Receiving positive recognition
- Strengthening relations

Possible Drawbacks

- Cooperative assessment may abort, leading to:
 - Lost time/money
 - Information is out
 - Stipulations may be in effect
- May be perceived conflict of interest – trustees/PRPs in bed
- Cooperative assessment may affect 3rd party claims

Bottom Line

- Need to weigh benefits against risks
- If the opportunities for a cooperative assessment arises, it's important to give it serious consideration.
- If all parties are truly motivated and a cooperative framework is structured well, chances are that the cooperative assessment will work.



Resources



<http://www.darp.noaa.gov/>

or

<http://www.darp.noaa.gov/partner/cap/index.html>

or

<http://www.darp.noaa.gov/partner/cap/cnrdr.html>

Opportunities for Dialogue

- National workshops
 - Framework
 - Compendium
 - Other relevant materials – approaches, threshold consideration, case studies, etc.
- Regional Meetings – Joint Assessment Teams
- Professional Meetings – SETAC, IOSC
- Programmatic Efforts – DOI FACA
- We are ready to discuss NRD in any forum!

The Future? It's up to us!

