

**Key Elements of a Cooperative Assessment Process:
The Trustee Perspective
SETAC 2001**

C Focus on restoration

“Restoration” planning in this context has two objectives. The first is to consider actions that will prevent or minimize further injuries to natural resources. Where response or remedial planning processes are initiated, the trustees can work with companies and response/remedial agencies to ensure this first objective is achieved through response/remedial actions. The second objective is to consider the nature and scale of restoration actions which are appropriate to compensate for interim losses of natural resources or resource services.

C Identified framework for cooperative planning

The framework should identify and organize the participants and set forth the process for cooperative planning. The framework should also define the effect products of the cooperative planning process will have on the legal relationship of the parties.

C Consensus decisions

Although trustee authority to make assessment decisions cannot be abrogated, cooperative planning should strive for consensus among the parties on the nature and extent of any injury assessment and/or restoration planning work to be undertaken. The opportunity for consensus may extend to the overall structure for the assessment/restoration planning process (e.g., potential injuries to be included, phasing, etc), the specific design and analytical protocols to be used in any additional sampling or other investigations in the estuary, the entity or contractor who will implement the work, the form for data delivery, etc.

C Data sharing

Data produced cooperatively should be fully available to all parties.

C Public Participation

The cooperative process needs to leave open, or even plan for, the opportunity for public participation at appropriate times and places as assessment and restoration plans are developed.

C Funding

The cost of cooperative assessment and restoration planning activities, including the trustees’ participation, will be borne by company participants. Terms and procedures for covering this element should be included in any cooperative agreement defining the cooperative assessment and restoration planning process.