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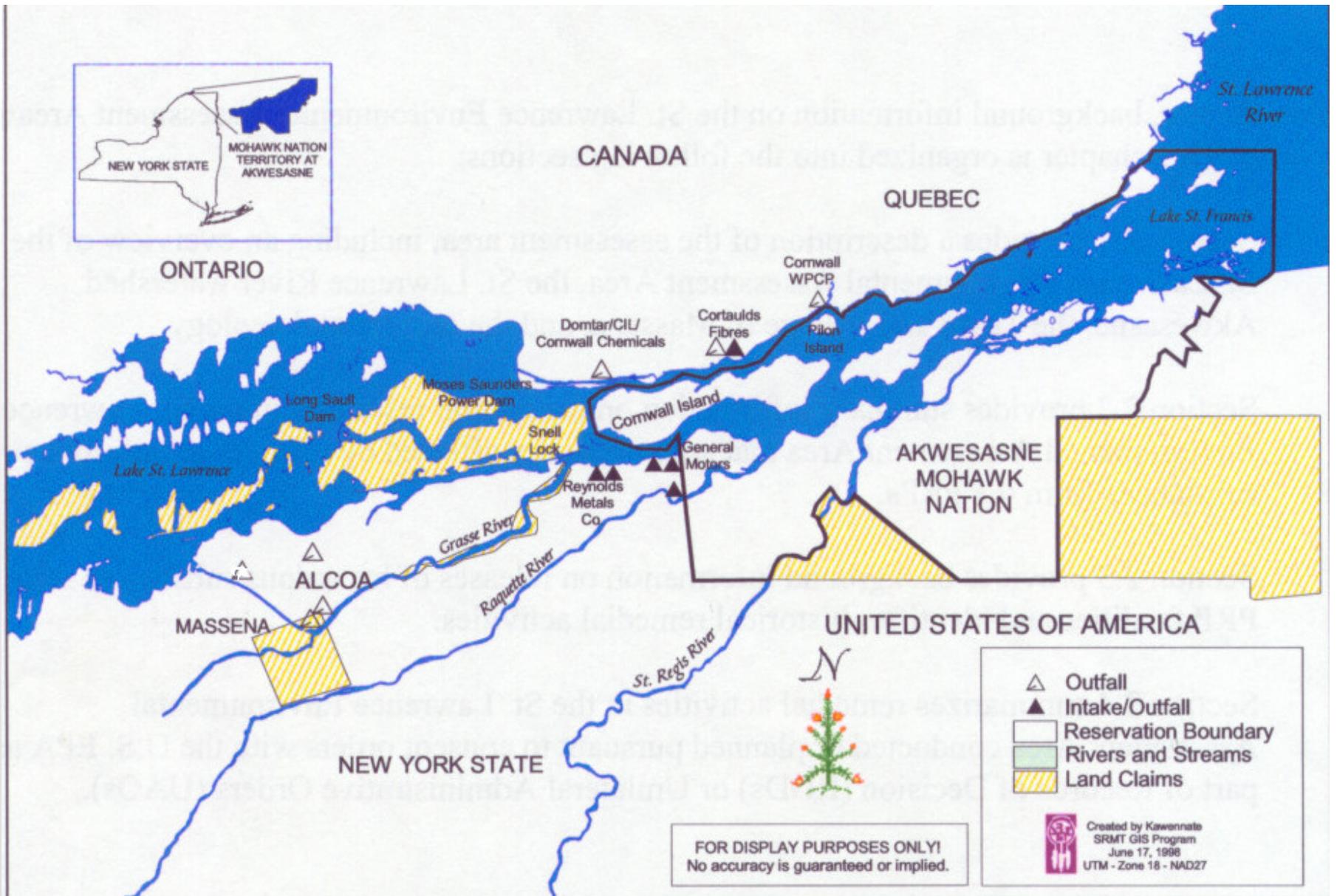
# Cooperative Assessment Case Study: St. Lawrence / Massena, N.Y.

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# Map of the Massena, N.Y. / Akwesasne Area (note: Canada-US border not shown)



# Parties

- Trustees:
  - ◆ St. Regis Mohawk Tribe;
  - ◆ New York State: Dept. of Environmental Conservation & Dept. of Law;
  - ◆ DOI (USFWS);
  - ◆ NOAA.

(Also known as St. Lawrence Environment Trustee Council)
- Companies: ALCOA (Reynolds), General Motors

# Contaminants

- PCBs
- PCDDs
- PCDFs
- PAHs
- Fluorides, etc.,

# Natural Resources Affected

- St. Lawrence River
- Grasse River
- Raquette River
- Tribal Lands

# The Cooperative Process



- Two Segments –
  - ◆ 1990 – 1999: Original Funding Agreement.
  - ◆ 2000 – ? : “Letter Agreement” (Cooperative Assessment Funding).

# Original Funding Agreement (1990-1999)

## ■ General Conditions

- ◆ \$600,000 from the Companies to the SLETC via escrow account to develop draft NRDA Plan.
- ◆ Up to \$150,000 can be used for Trustee Admin.
- ◆ NRDA Plan will adhere to 43 CFR Part 11.
- ◆ Plan will be developed by a contractor (RCG Hagler Bailly now Stratus).
- ◆ All Parties must meet 5 times minimum

# Original Funding Agreement (1990-1999)

## ■ Benefits to the Companies

- ◆ Unites Trustees.
- ◆ Avoids Litigation for duration of Agreement.
- ◆ Provides for Company Participation through comments on deliverables:
  - ★ Outline of Plan
  - ★ Status reports and work schedule
  - ★ Draft NRDA Plan

# Letter Agreement (2000 - ?)

- Initially \$100,000 for Trustee direct expenses.
- Trustees and Companies agree to explore an expedited cooperative assessment.
- All provisions of prior agreement remain in effect.
- Draft NRDA Plan cannot be released to Public.

# Expedited Assessment

- Focus on Restoration
- Select a few injuries and focus on those:  
Sediment, fish, birds; Recreational Fishing;  
Cultural.
- HEA: fish, birds, sediment
- Recreational Fishing: existing data from TER  
1991 study used in Random Utility Model
- Cultural: Phased approach

# Expedited Assessment (cont.)

- Cultural Assessment Phases
  - ◆ Phase I: Review existing information
    - ★ Hired two experts: One Tribal, One non-tribal
    - ★ Tribal information requires special consideration of confidentiality
  - ◆ Phase II: Original research (if needed)
    - ★ Not a commitment
    - ★ Depends on findings and discussion by all

# Challenges - Broad

- Different World Views - Native American views of time and contamination:
  - ◆ Annual vs. Seven Generations
  - ◆ Non-detect vs. None
- Different Trusteeship Impacts
  - ◆ NOAA: American eels as pathway to Beluga Whales
  - ◆ Mohawks land is adjacent and downwind
- Different Corporate Views:
  - ◆ ISO 14000 for GM
  - ◆ ALCOA now owns Reynolds.

# Challenges - Specific

- Database Creation: data from Companies & Trustees, compatibility across systems, etc.,
- Inputs to HEA
- Recreational Fishing RUM: dollars or miles
- Tribal Governance: multi-layered, different structure than NYS and Federal.
- Access to Tribal data – confidentiality and use are highly protected.

# Status 2004

- Restoration Planning and Scaling using Recreational Fishing RUM should occur this year.
- Cultural Assessment Phase I should be completed this year.
- Ecological Injury (HEA): some database issues remain, inputs still need to be agreed upon.