

KEYS TO SUCCESS IN DEVELOPING THE FIRST JOINT TRANS-BOUNDARY WILDLIFE RESPONSE GUIDELINES: THE CANADA/UNITED STATES DIXON ENTRANCE EXAMPLE

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ABSTRACT

A paper written for the 2001 International Oil Spill Conference (Bergmann and Russo, 2001) discussed the first-of-its-kind, wildlife-response contingency planning effort underway in the trans-boundary area, known as Dixon Entrance, between British Columbia (B.C.) in Canada and Alaska in the United States (U.S.). The paper described how this initiative was conducted within the framework of Canadian Coast Guard (CCG) and United States Coast Guard (USCG) joint contingency planning in Dixon Entrance. The paper focused on activities successfully completed at that time; namely, a 1999 workshop attended by key Canadian and U.S. stakeholders, which resulted in an agreement by Canadian and U.S. wildlife resource agency representatives to develop a joint Dixon Entrance wildlife response plan focusing on migratory birds and sea otters.

This paper describes how, following the workshop, a joint Canada/U.S. Dixon Entrance (CANUSDIX) wildlife response working group was established to complete this task. The resulting Canada–United States Marine Spill Pollution Contingency Plan CANUSDIX Annex–Operation Appendix: Wildlife Response Guidelines (CANUSDIX Wildlife Response Guidelines) (DOI-OEPC et al., 2003) were completed and signed by appropriate Canadian and U.S. wildlife resource agency officials in April 2003, and were then adopted by the CCG and USCG in September 2003.

The paper also provides an overview of the process used by working group members and their stakeholder partners to develop the guidelines. Moreover, the paper describes: (1) factors that helped contribute to the success of the effort; (2) challenges that had to be overcome; (3) milestones that helped keep the work on track; and (4) additional unanticipated benefits. Together, this information will allow other parties in trans-boundary areas around the world to use the Dixon Entrance wildlife response guidelines, and the process undertaken to develop the document, as a model for conducting similar pre-incident planning.

INTRODUCTION

Despite efforts to eliminate oil spills from vessels transiting the world's oceans, vessel casualties continue to occur. Some of

those casualties result in the oiling of wildlife across international boundaries. Notable examples include the 1988 *Nestucca* oil spill, which affected wildlife in both Canada and the U.S., and the 2002 *Prestige* oil spill, which affected wildlife in both Spain and France. In addition, oil releases resulting from the 1991 Gulf War affected wildlife across trans-boundary areas in Kuwait, Saudi Arabia, Iran, and Iraq. Because of these facts, it is incumbent on government entities with the responsibility for the protection of wildlife resources to recognize this reality and to develop plans for working cooperatively to address wildlife that are affected—or potentially—affected by oil discharges that cross international boundaries. It is also important that governmental entities with the responsibility for regulating oil production and transportation activities, oil spill response organizations, and other non-governmental organizations support pre-incident wildlife-response-related planning.

BACKGROUND

As described in Bergmann and Russo, 2001, international marine pollution contingency planning was begun by the CCG Pacific Region and USCG District 17 representatives in the early 1970s. Contingency planning in Dixon Entrance¹ was begun in the early 1980s. Throughout the next decades, CCG and USCG representatives continued working on joint planning efforts to enhance incident response in the Dixon Entrance trans-boundary area. Periodic meetings and exercises, which typically included wildlife resource agency representatives from Alaska, were an integral part of this effort.

During a CANUSDIX exercise in 1998, the CCG and USCG identified the development of “...joint wildlife capture and rehabilitation guidelines” in the overall list of CANUSDIX items requiring follow-up during the next year (Bergmann and Russo, 2001). While wildlife resource agency representatives had long recognized that such an effort was worthwhile, they also recognized that receiving support from the CCG and USCG to perform this pre-incident planning was essential. Once the CCG and USCG provided that support, by identifying the need at the 1998 exercise, U.S. wildlife resource agencies, followed by Canadian wildlife resource agencies, accepted the tasking and then re-prioritized their existing workloads to accommodate the new initiative.

CCG, USCG, and wildlife resource agency support of pre-incident wildlife-response-related planning in the Dixon Entrance trans-boundary area was based on the following factors:

- Pre-incident planning ensures that actions taken regarding oiled wildlife are an essential component of overall oil spill response activities, and that wildlife-related activities are seamlessly integrated into the incident management systems for both the CCG and USCG. This helps ensure that appropriate decisions are made for the wildlife resources in the trans-boundary area.
- The process of pre-incident planning allows wildlife resource agencies and the CCG and USCG to develop working relationships that enhance their understanding of each other's legislative and regulatory mandates, which helps facilitate timely decision-making during oil spill response.
- Wildlife resource agencies have the technical and scientific expertise to make recommendations to their respective coast guards on whether wildlife-response-related activities are appropriate following an oil spill. This allows the CCG and USCG to focus on response-related activities within their own areas of expertise; e.g., vessel salvage, mechanical recovery of oil, and oiled shoreline cleanup.
- Pre-incident planning helps ensure that CCG and USCG decisions to conduct, or to not conduct, wildlife capture and treatment programs, are based on recommendations made jointly by wildlife resource agencies in B.C. and Alaska, which in turn, helps facilitate decision-making that is consistent on both sides of the border.
- Pre-incident planning helps ensure that wildlife resource agencies and the CCG and USCG stay ahead of the oiled-wildlife "decision curve" by allowing decisions on whether it is appropriate to begin an oiled-wildlife capture, stabilization, and treatment program to be made as early as possible during spill response. This helps guarantee that if an oiled wildlife program is appropriate, the program will be initiated in a timely manner, which is one of the requirements for the program to be successful.
- Pre-incident planning helps ensure stakeholders have the opportunity to understand the process for making oiled-wildlife response-related decisions, thereby facilitating decision-making based on pre-identified factors, rather than on emotional appeals of oiled wildlife images in the media.
- Pre-incident planning provides an opportunity to provide stakeholders with information on the significant advances made during the last 30 years in all aspects of oiled-bird capture, handling, stabilization, transportation, rehabilitation, and release, which have helped increase oiled-bird survivability.

As discussed in Bergmann and Russo, 2001, the CCG and USCG tasked the U.S. Department of the Interior-Office of Environmental Policy and Compliance (DOI-OEPC) in 1999 to develop a plan or protocol to deal with oiled or potentially-oiled wildlife in the Dixon Entrance trans-boundary area. The resulting work was to be included in the Dixon Entrance Annex of the *Canada-United States Joint Marine Pollution Contingency Plan (Joint Marine Pollution Contingency Plan)*. Beginning in 1987, DOI-OEPC had led a successful effort to develop wildlife protection guidelines for all of Alaska (Alaska Regional Response Team, 2002a), and beginning in 1996, to develop wildlife protection guidelines specific to Alaska's Pribilof Islands (Alaska Regional Response Team, 2002b).

INITIAL WORKSHOP

DOI-OEPC took the lead in organizing and chairing a one-day wildlife response workshop, held in September 1999 in Prince

Rupert, B.C. The workshop was part of a larger, multi-day series of USCG and CCG exercises and activities. The workshop included participants from B.C.; namely, Environment Canada (EC), Environment Canada-Canadian Wildlife Service (EC-CWS), Fisheries and Oceans Canada (DFO), B.C. Society for the Prevention of Cruelty to Animals (B.C. SPCA), and Burrard Clean Operations (BCO); and from Alaska, namely, DOI-OEPC, DOI-Fish and Wildlife Service (DOI-FWS), U.S. Department of Commerce, National Marine Fisheries Service (DOC-NMFS), Alaska Department of Fish and Game (ADF&G), USCG, and the Southeast Alaska Petroleum Resource Organization (SEAPRO) (Bergmann and Russo, 2001).

At the end of the workshop, wildlife resource agency representatives agreed to develop joint wildlife response guidelines that would be used following the activation of the *Joint Marine Pollution Contingency Plan* CANUSDIX annex. It was also agreed that: (1) the guidelines would focus on the species most at risk from an oil spill and the species most likely to be moving across the international boundary in the Dixon Entrance area; namely, migratory birds and sea otters; and (2) development of the guidelines would be accomplished through the formation of the CANUSDIX Wildlife Response Planning Working Group (Working Group), co-chaired by DOI-OEPC and EC. It was helpful that the agencies tasked with co-chairing the Working Group were the same agencies that take a leadership role in providing wildlife response-related input to their respective coast guards.

Factors that contributed to the success of the workshop included the following: Appropriate individuals, specifically representatives from resource agencies with management responsibility for wildlife resources, were identified and invited to participate in the workshop.

- Other stakeholders were welcome to attend the workshop, regardless of whether they had legislative or regulatory mandates for wildlife resources.
- Workshop expectations were identified and provided, along with appropriate background materials, to workshop participants several weeks prior to the workshop.
- Workshop invitees obtained the support of their respective agencies to travel to Prince Rupert to attend the workshop in person.
- Workshop discussions were focused strictly on wildlife response-related activities. Other related, but separate, response-related topics (e.g., sensitive areas identification, shoreline cleanup assessments, and geographic response strategies) and natural resource damage assessment-related activities were not discussed.
- Different philosophies brought to the workshop by Canadian and U.S. wildlife resource agencies regarding the need for, and appropriateness of, keeping wildlife away from a spill, pre-emptively capturing unoiled wildlife, and capturing and treating oiled wildlife, were all respected and treated as valid points-of-view.
- Adequate time was allowed at the workshop for discussion. Workshop participants were not "rushed or railroaded."
- Wildlife resource agency participants emphasized decision-making based on a philosophy of "looking at the glass as half-full, rather than looking at the glass as half-empty." This translated into identifying what goals would be best for potentially-affected wildlife resources, and then determining how those goals could be achieved within the constraints of each country's, and each wildlife resource agency's, regulatory processes.
- There was no pre-determined workshop outcome.
- Participants were afforded the opportunity, and sufficient time, after the workshop to review and reaffirm their concurrence—and comfort level—with the workshop results.

The factors identified above that contributed to the success of the initial workshop were also instrumental in the successful completion of the guidelines. Once the goal of preparing the guidelines was established, the Working Group embarked on a steady path of guideline development and relationship building, both among and between Working Group members, the CCG and USCG, and other interested stakeholders, including the oil spill cooperatives for the Dixon Entrance area (i.e., BCO and SEAPRO) and the B.C. SPCA and International Bird Rescue Research Center (IBRRC).

CHALLENGES

During the next three years, the joint wildlife response guidelines were developed by the Working Group. One of the Working Group's challenges was to ensure that all Canadian and U.S. wildlife resource agencies with management authority for wildlife resources potentially affected by a trans-boundary oil spill were engaged in the process. Wildlife resource agencies that ultimately participated included: EC, EC-CWS, DFO, B.C. WLAP in Canada, and DOI-OEPC, DOI-FWS, DOC-NMFS, and AD&G in the U.S.

Since none of the wildlife resource agencies have "line-" or "command-and-control" authority over other wildlife resource agencies, each agency needed to feel confident that the time and effort expended would be meaningful and worthwhile. The continued support provided to wildlife resource agencies throughout the guideline-development process by the USCG and CCG, as well as by the BCO, SEAPRO, B.C. SPCA, and IBRRC, provided the necessary reaffirmation to wildlife resource agencies that the resulting guidelines would become part of the *Joint Marine Pollution Contingency Plan*.

Additional challenges faced by wildlife resource agencies in their role as Working Group members, included:

- They work within different federal, provincial, and state legal and regulatory frameworks for oil spill preparedness and response. Resource agencies have different relationships with their respective regulatory agencies.
- They have different federal, provincial, and state legal and regulatory frameworks for managing wildlife species under their jurisdiction. The challenge was to build on similarities, while accommodating differences.
- They bring different philosophies to the Working Group on what wildlife response strategies they would choose to deal with oiled or potentially-oiled wildlife, if the decision were made solely from their agency's perspective.
- They are based in cities that are located physically far apart (e.g., Vancouver, B.C. and Anchorage, Alaska) which, in combination with difficult travel logistics, make face-to-face meetings expensive and time consuming. The Working Group Co-Chairpersons were able to work cooperatively with CCG and USCG representatives to help ensure that wildlife response-related activities were included in annual CANUSDIX activities to help resource agency representatives justify participation in person or via teleconference.
- Several Working Group members and *CANUSDIX Wildlife Response Guidelines* agency leaders changed during the multi-year guideline-development process. As a result, extra time was required to bring new participants into the process and to ensure new agency leaders understood and supported the guidelines.
- Working Group members' respective agency budgets decreased over time, which resulted in less staff time and travel funds available for participation in these activities.
- Recognition in Canada that wildlife response activities are a valid component of oil spill response lagged behind what is considered "the norm" in the U.S.
- No other trans-boundary wildlife response guidelines existed that could be used as a model.

MILESTONES

Key milestones in the development of the *CANUSDIX Wildlife Protection Guidelines* primarily revolved around annual CCG and USCG-sponsored CANUSDIX meetings and related activities, such as CCG, USCG, BCO, and SEAPRO equipment field deployments and tabletop exercises. Within this framework, the CCG and USCG afforded Working Group members the opportunity to hold annual meetings and conduct a wildlife-response-related discussion session that focused on guideline elements.

With USCG and SEAPRO financial support, an internationally-recognized wildlife-rehabilitation expert from IBRRC participated in the 2002 and 2003 annual CANUSDIX activities in Ketchikan and Prince Rupert, respectively. The IBRRC representative provided CANUSDIX meeting participants with an overview of bird capture, stabilization, and treatment activities and performed on-site evaluations of potential migratory bird stabilization and treatment facilities in both communities. The results of the evaluation helped refine facility information included in the guidelines.

The CANUSDIX annual gatherings also provided target dates for accomplishing various steps in the guideline development process which, in turn, helped keep the Working Group focused and proceeding ahead. In addition, the annual meetings and activities afforded Working Group members the opportunity to meet in person. While the majority of the guideline development was accomplished via email and phone calls, face-to-face meetings were essential for Working Group members to establish, build, and maintain the relationships necessary to complete the guidelines.

GUIDELINE COMPLETION

By July 2003, the resulting *CANUSDIX Wildlife Response Guidelines* had been completed by the Working Group and had been signed by federal, provincial, and state representatives in B.C. and Alaska². While Working Group members acknowledged that the *CANUSDIX Wildlife Protection Guidelines* are not legally binding, all Working Group members agreed on the importance of having wildlife resource agency officials show their support for the guidelines by signing the document. This, in turn, helped increase the visibility and status of the *CANUSDIX Wildlife Protection Guidelines* within each respective wildlife resource agency. At the same time, the level of commitment of those wildlife resource agencies to the *CANUSDIX Wildlife Protection Guidelines* was elevated. In September 2003, the *CANUSDIX Wildlife Response Guidelines* were submitted to CCG Pacific Region and USCG District 17 representatives for inclusion in the newly-revised and signed *Annex 5 Canada–United States Dixon Entrance–Geographical Annex to the Canada–United States Joint Marine Pollution Contingency Plan* (CCG and USCG, 2003). The guidelines were subsequently placed on the CANUSDIX web page on the Internet at http://www.akrrt.org/CANUS_DixonEntrance.

KEYS TO SUCCESS

The Working Group Co-Chairpersons believe the successful completion of the *CANUSDIX Wildlife Response Guidelines* may be attributed to the following key factors:

- Ensuring wildlife resource agency representatives with legislative and regulatory responsibilities for protecting wildlife, took the lead role in the process, while at the same time, welcoming participation and input from interested stakeholders.
- Establishing, early in the process, clearly-defined Working Group goals and expectations.
- Maintaining the focus of the Working Group throughout the process.

- Accomplishing the work using a consensus-building, open and honest process that allowed participants to develop mutual trust, respect, and camaraderie.
- Allowing the process to take as much time as necessary to ensure that all participants were included and comfortable with the process.
- Receiving support throughout the process from the CCG, USCG, and other stakeholder partners.

ADDITIONAL BENEFITS

Once the *CANUSDIX Wildlife Protection Guidelines* were completed, wildlife resource agencies agreed, in September 2003, to consider additional trans-boundary response-related activities. This included establishing a process for identifying potential places of refuge for vessels in distress, and considering requests for the use of dispersants and/or *in situ* burning in the Dixon Entrance trans-boundary area. A CANUSDIX Resource Agency Working Group was established to undertake this work. The new working group, which was once again co-chaired by DOI-OEPC and EC, was comprised of CANUSDIX Wildlife Response Working Group members, plus additional federal, provincial, and state agencies representatives with land-based legislative and regulatory responsibilities. Because of the existing working relationships established during the development of the *CANUSDIX Wildlife Response Guidelines*, in less than one year, the new working group had agreed upon a process for providing joint resource agency input into CCG and USCG places of refuge, dispersant use, and *in-situ* burning decision-making.

CONCLUSIONS

Development of the *CANUSDIX Wildlife Response for Dixon Entrance* provides a practical example of how to successfully bring together stakeholders from two countries with differing oil discharge response regimes and differing philosophies regarding wildlife response, to arrive at mutually-agreed upon wildlife response guidelines. This experience can provide helpful information to parties who wish to develop similar guidelines for other trans-boundary areas. The Dixon Entrance guidelines are currently being considered as a model to be used by CCG, USCG, and wildlife resource agency representatives in three other North American locations, namely, the Pacific Coast, Atlantic Coast, and Beaufort Sea trans-boundary areas.

The guidelines promote consistent and complementary approaches to wildlife response activities and a more efficient use of response-related resources. This, in turn, facilitates wildlife resource agencies working together and speaking with a single voice, which benefits the CCG and USCG, in addition to the wildlife resources, the responsible party, and other interested stakeholders, including the public. Because of this pre-incident planning, wildlife-response-related decision-making has been seamlessly incorporated into the overall Dixon Entrance incident response management systems.

The process of developing the guidelines led to the establishment of cross-border wildlife resource agency working relationships. At the same time, working relationships were enhanced between wildlife resource agencies (e.g., EC and B.C. WLAP), as well as between wildlife resource agencies and their respective coast guards. These experiences allowed resource agencies to rapidly and successfully develop a process for providing joint Canadian/U.S. resource agency input into places of refuge decision-making for vessels in distress, and for requests for the use of dispersants and *in situ* burning in Dixon Entrance. This proved

to be an additional benefit of Canadian and U.S. wildlife resource agencies coming together to develop the *CANUSDIX Wildlife Response Guidelines*.

BIOGRAPHY

Pamela Bergmann, the DOI-OEPC Regional Environmental Officer for Alaska, serves as the DOI representative to the Alaska Regional Response Team (RRT). She also chairs the Alaska RRT Wildlife Protection and Cultural Resources working groups, in addition to co-chairing the CANUSDIX Wildlife Response and Resource Agency working groups.

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ENDNOTES

- ¹ The Dixon Entrance area is characterized by large numbers of wildlife resources (including birds and marine mammals), significant vessel traffic (e.g., ferries, fishing vessels, barges, and cruise ships), sparse population, and difficult logistics. The largest communities in the area are Prince Rupert, B.C., with a population of approximately 18,000, and Ketchikan, Alaska, with a population of approximately 8,000. (Bergmann and Russo, 2001).
- ² Signatories included representatives from the DOI-OEPC, DOI-FWS, ADF&G, EC, DFO, and B.C. WLAP.