



Restoring and protecting the Cahaba River watershed and its rich diversity of life

*Cahaba
River
Society*

COLLABORATION POLICIES & PROCESS

This Policy is a product of the Cahaba River Society's strategic planning process centered on our four core values: *integrity, education, collaboration, and stewardship*. This policy to guide collaboration with developers, local governments, and citizens was drafted by the Integrity and Policy Committee of the CRS Board of Directors and adopted by the Board on 2-10-09.

A CRS CORE VALUE: INTEGRITY

We respect and recognize the differing viewpoints and values of others while operating with a policy and process that is transparent, authentic, fair, and consistent.

I. General Policy

In order to restore and protect the Cahaba River, we engage in collaboration, government policy advocacy, and public education, with a goal that low-impact development and water efficiency techniques will become standard practice in our region. We do this by:

1. Collaborating with developers and local businesses to jointly demonstrate the feasibility, environmental value, and financial benefits of low-impact development and water efficiency techniques;
2. Working with governments to raise the bar on standard practices through improved guidelines, regulations, and development review;
3. Educating citizens so that they will understand and support river conservation initiatives; and
4. Acting to ensure quick compliance with the law when the Cahaba River is threatened.

Through collaboration on development projects CRS offers successful problem solving/solutions for:

- Site selection, land uses, master planning
- Construction best practices
- Post-construction low impact development design
- On time project delivery schedules

Low Impact Development (LID) Includes:

- Conservation development
- Green infrastructure
- Environmental site design
- Drinking water efficiency, conservation and reuse
- Storm water - low impact development best practices – new & retrofit

II. Collaboration Process During Project Design, Planning, and Approval

1. To best direct CRS resources, we wish to be invited to collaborate or will seek collaboration for projects based on the:
 - a. Potential direct impact on the Cahaba River (including project size, intensity of the proposed uses, site sensitivity, etc)
 - b. Project's potential for innovative watershed conservation and possible replication (high demonstration value, potential for impact on decision-making, visibility, etc.)
 - c. Partners with whom we will be working (firm frequently engaged in development in the Cahaba watershed etc.)

2. Initial meeting(s) to explore and agree on collaborative process – agenda:
 - a. Overview of project
 - b. Establish goals of both the developer and CRS – identify shared goals and define metrics of success
 - c. Itemize what CRS can bring to the table:
 - i. expertise in storm water management, water efficiency, conservation site design, river ecosystems
 - ii. knowledge of other successful projects and techniques
 - iii. demonstrated ability to solve problems
 - iv. connections and networks with other experts in relevant fields
 - v. identification of resources and opportunities
 - vi. ally for meeting the development timeline in terms of permitting and compliance
 - d. Agree on the process for collaboration, both for engagement, and potential disengagement if unavoidable
 - e. Agree on communication ground-rules, such as confidentiality agreements, public/media statements and public comment processes, etc., and identify key contacts
 - f. Discuss next steps

3. Essential steps in engagement (actual process would vary based on project)
 - a. Build relationships with both project team and regulatory teams
 - b. Visit site to identify site issues
 - c. Review project plans early enough in process to impact them
 - d. Recommend site planning and design strategies to address goals
 - e. Suggest resources and connections
 - f. Check in during design development to problem solve, discuss feasibility issues, identify what can and can't be done
 - g. Aim to support project (that meets criteria for success) in public approval processes.
 - h. Inform developer in advance of any reservations, seek to resolve if possible, but reserve right to seek further modifications to project through public processes (permits, zoning approval) if necessary.

- i. Clearly understand commitments in final project plans
- j. Visit with team and onsite during construction process to check project performance and river health, identify problems in advance, problem solve with aim to avoid compliance issues and stay on schedule
- k. Understand and document final project – what works and doesn't. Identify successes, support and celebrate.

4. When/why/how would CRS disengage?

- a. Factors that would lead CRS to disengage are:
 - i. Identified goals for the River cannot be met
 - ii. No significant impact on decision-making to achieve river conservation goals
 - iii. We cannot bring value / no longer a fit for CRS's abilities
 - iv. Problems/issues arise that would degrade the river's health
- b. CRS may pursue a public strategy to disengage when:
 - i. There is dishonesty, manipulation, e.g. greenwashing
 - ii. No intent or honest effort to meet existing regulations
 - iii. Becomes clear project will damage river and developer is unwilling to pursue feasible solutions
- c. CRS will communicate with partners about concerns:
 - i. CRS will bring potential concerns to partner's attention early
 - ii. CRS will notify partners and document in advance of any contemplated disengagement
 - iii. CRS will attempt to resolve any concerns collaboratively before taking any public action
 - iv. In the event CRS disengages from a project after notice and attempts at resolution, CRS will still acknowledge publically any positive steps taken
- d. CRS will inform potential partners in advance of these disengagement policies. When CRS must step away, we will seek to inform the partner fully

III. Compliance Processes During Construction

1. Compliance and process to address violations

- a. CRS collaborates to help find proactive solutions and avoid violations, because this strategy is preferable to reacting to problems when damage has already occurred, the set of solutions is narrowed, and repair costs are greater.
- b. If a violation occurs, our interest is to find quick solutions. CRS will make its best attempt to notify the property owner or operator. With collaborative project partners, we will know who to contact, and we will contact partners verbally and in writing to document our concerns and seek a meeting to identify solutions. We will attempt to

notify others if they have posted contact information onsite as required by their permit.

- c. If necessary to ensure compliance when the River's health is threatened, CRS may notify responsible regulatory agencies, after notifying collaborative partners. CRS will provide a reasonable lead time for a collaborative partner to rectify the violation before notifying a regulatory agency, except in cases of a severe or repeated unaddressed violation with potential to damage aquatic life or public health.
- d. CRS will be available to both the developer and agencies to help find workable solutions to address the violation if that is our area of expertise.

2. CRS policy regarding litigation

- a. Rather than focus legal action on individual projects, CRS prefers to identify root causes of common violations and work with the responsible regulatory agencies – EPA, ADEM, Corps of Engineers, etc - to strengthen their regulations, policy decision-making, resources, and capabilities to ensure compliance.
- b. If a serious violation remains unaddressed, CRS may pursue litigation. This is a last resort. It is in the best interest of the River, CRS, the developer and government to fix the problem well short of that point. In our 20 year history, CRS has filed one lawsuit and has intervened in two others.
- c. CRS brings litigation to ensure that regulatory agencies do their job, to backstop their enforcement and to ensure proper implementation of existing laws such as the Clean Water Act.

IV. Conflict of Interest

CRS will do its utmost to avoid conflicts of interest and will be fully transparent. Our Board of Directors has a detailed conflict of interest policy that each Board member reaffirms annually. CRS does not seek or accept fees for service from development entities for any of our work related to development collaboration. We will fully disclose to the public the list of our board members and our corporate and development-related donors.