

# Planning Group Process to Develop a Missouri River Recovery Implementation Committee (MRRIC) Charter

## *FINAL OPERATING PROCEDURES AND GROUND RULES*

*Final v4, 2 August, 2007*

The Federal Working Group, a group of agency representatives appointed by the federal executives of the Missouri River Basin Interagency Roundtable, has been charged with determining how best to proceed with the establishment of the Missouri River Recovery Implementation Committee (MRRIC). It has engaged the U.S. Institute for Environmental Conflict Resolution, an independent federal agency, to convene, coordinate, and provide contracted support services for this planning and chartering effort.

The draft operating procedures and ground rules below outline the operating procedures and ground rules that will guide the Planning Group process. In addition, this document contains a draft schedule and work plan (Appendix A), a membership list (Appendix B), and a list of the Federal Working Group participating agencies (Appendix C).

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## 1) Purpose for the MRRIC Planning Group Effort

- a) To develop and recommend a Charter for the Missouri River Recovery Implementation Committee by the end of calendar year 2007.

## 2) This Document

### a) Definition of Words and Terms

- i.) **Consensus:** For the purpose of the MRRIC Planning Group process, consensus means that all members of the Drafting Team can support or live with an action or recommendation.
- ii.) **Drafting Team:** The principal work group for the MRRIC chartering process. The Drafting Team is composed of appointed members and alternates from tribes, states, and nongovernmental and local government participants selected by the U.S. Institute for Environmental Conflict Resolution from a wide range of interests in the Missouri River Basin. The Drafting Team is responsible for the development of a Recommended Charter for MRRIC to forward to the Federal Working Group.
- iii.) **Facilitation Team:** The group of facilitators and support staff contracted through the U.S. Institute for Environmental Conflict Resolution to impartially support the activities and meetings of the Planning Group.
- iv.) **Federal Working Group:** The group of agency representatives appointed by the federal executives of the Missouri River Basin Interagency Roundtable to determine how best to proceed with the establishment of MRRIC. See Appendix C for a list of Federal Working Group participating agencies.
- v.) **Federal Working Group Representatives:** The designated representatives from the Federal Working Group participating in the Planning Group process to develop a MRRIC Charter.
- vi.) **Institute Team:** The leadership, facilitation, support, and coordination team comprised of the Co-Chairs, facilitation team, and the U.S. Institute for Environmental Conflict Resolution staff.
- vii.) **Missouri River Basin Interagency Roundtable (MRBIR):** The established forum for federal agencies advocating a collaborative approach to solving issues within the Missouri River watershed.
- viii.) **MRRIC:** The Missouri River Recovery Implementation Committee that will be convened in future years. Its Recommended Charter will be developed by the Planning Group as the primary purpose of this project.
- ix.) **Planning Group:** The combined Drafting Team, Review Panel, and Co-Chairs. See Appendix B.

- x.) **Quorum:** No action shall be taken unless at least 51% of the Drafting Team members are present at the meeting.
- xi.) **Review Panel:** The primary review and feedback body for the MRRIC chartering process. The Review Panel is composed of appointed members and alternates from tribes, states, and federal agencies and nongovernmental and local government participants selected by the U.S. Institute for Environmental Conflict Resolution from a wide range of interests in the Missouri River Basin. See Appendix B.
- xii.) **U.S. Institute for Environmental Conflict Resolution (U.S. Institute):** The independent federal agency that is the primary entity responsible for convening, coordinating, and providing contracted support services for the MRRIC Planning Group process. See Appendix B.

**b) Updates and Revisions**

- i.) Administrative updates to the membership lists in Appendices B and C of this document may be made upon distribution of the revised information to the Planning Group.
- i.) Revisions to these operating procedures and ground rules shall be made by the consensus of the Drafting Team at any regular meeting, with advance notice prior to the mailing of the meeting agenda, using the decision process outlined in the document.

### **3) Operating Procedures and Ground Rules**

**a) Individual Participants**

**i) Representation of Interests**

- (1) Planning Group members and their alternates and representatives of the Federal Working Group will be responsible for representing the interests and concerns of the organizations, institutions, and constituencies they represent.

**ii) Preparation and Attendance**

- (1) Members will make every effort to attend meetings, to participate actively, to be prepared to discuss information and issues, and to be available for work between formal meetings. Meeting agendas will not allocate time for recapping past discussions and decisions for the purpose of updating those members who have missed past meetings.
- (2) Members will notify the U.S. Institute if they are unable to attend meetings.

### iii) Sharing and Considering Information and Perspectives

- (1) Members agree to respect each other. Members will avoid personal attacks and the use of intimidation.
- (2) Meeting participants will silence their personal electronic devices, such as cell phones and pagers, and will not talk on cell phones inside the meeting room during meetings to avoid interruption of group discussions and Planning Group work.

### iv) Members and Alternates

- (1) Each entity represented on the Drafting Team will have a single seat at the table. The facilitation team will conduct a roll call at the beginning of each meeting. Only the seated member may participate in discussions and decision making.
- (2) A drafting team member may designate as an alternate a member of the Review Committee. The member will notify the facilitation team or U.S. Institute of his/her designated alternate.

### v) Procedural Guidance

- (1) Members of the Planning Group will adhere to the group's adopted operating procedures and ground rules. Members are expected to give due consideration to the procedural guidance and recommendations of the Co-Chairs and the facilitation team.

## b) Expectations for Group Operations

### *i) Roles and Responsibilities*

#### (1) Co-Chairs will:

- (a) Preside over and lead meetings of the Planning Group, including the opening and closing of all meetings.
- (b) Work with the facilitation team to develop draft meeting agendas based on input from the Planning Group and review draft meeting minutes and summaries for accuracy and completeness.
- (c) Be responsible for protecting the process of developing a recommended charter for MRRIC, and act in a fair and balanced manner with respect to the Planning Group's operation and the conduct of its meetings.
- (d) With the assistance of the facilitation team, explore and incorporate the views of all Planning Group members regarding Drafting Team recommendations and assist the Drafting Team in achieving consensus.

- (e) With the permission of the Drafting Team, have the responsibility and authority to represent and convey the views of the Drafting Team to agencies, elected officials, and the public.

**(2) Drafting Team will:**

- (a) Develop and recommend a Charter for the MRRIC to the Federal Working Group.
- (b) Approve and complete a work plan. See Appendix A.
- (c) Approve meeting agendas.
- (d) Approve meeting minutes and summaries.
- (e) Agree to act at all times in good faith.

**(3) Review Panel will:**

- (a) Review proposals, meeting minutes and summaries, and agendas developed by the Drafting Team in preparation for meetings.
- (b) Provide feedback to the Drafting Team during Drafting Team meetings at designated times during the course of each meeting day.
- (c) Participate in Planning Group meetings with the Drafting Team as scheduled in the work plan.

**(4) Federal Working Group will:**

- (a) Play an advisory and resource role in the Planning Group process, including providing information, policy guidance, feasibility constraints, and legal constraints.
- (b) Provide feedback to the Drafting Team during meetings at designated times during the course of each meeting day, but will not participate in consensus building or decision making.
- (c) Forward the Recommended Charter to the appropriate federal decision makers. If the approving agency(ies) make any changes to the Charter it will no longer be the consensus product of the Planning Group unless subsequently ratified by consensus of the Planning Group.
- (d) In considering the final Recommended Charter of the Drafting Team, the Federal Working Group will respond in writing to all written recommendations of the Drafting Team stating the manner in which the Drafting Team's recommendations were incorporated into agency decision-making or the detailed reason(s) why the Drafting Team's recommendations were not adopted.

**(5) Facilitation Team will:**

- (a) Help the Drafting Team conduct its work in a balanced, unbiased, and fair manner.
- (b) Develop draft meeting agendas and meeting designs in collaboration with the Drafting Team, Co-Chairs, and the U.S. Institute.
- (c) Facilitate Planning Group meetings and keep discussions focused and on track.
- (d) Provide a note-taker for all Planning Group meetings.
- (e) Develop draft meeting minutes and summaries. Finalize meeting minutes and summaries following review and approval by the Drafting Team.
- (f) Consult with the Planning Group and the U.S. Institute, as needed, regarding process management and the resolution of issues of concern. Facilitate the development of solutions and resolution of issues.
- (g) The facilitation team will ensure appropriate representation in accordance with section 3.a.iv, Members and Alternates.
- (h) Post Drafting Team records from prior meetings and the agenda for the upcoming meeting on a Web site before the next meeting according to the administrative schedule provided to the Drafting Team.

**(6) U.S. Institute for Environmental Conflict Resolution will:**

- (a) Execute and manage contracts with the facilitation team and the Co-Chairs.
- (b) Serve as the liaison between the Federal Working Group, the Co-Chairs, and the facilitation team.
- (c) Be a resource for the Co-Chairs and facilitation team in developing meeting processes, agendas, and strategies to address difficult issues.
- (d) Coordinate meeting and travel reimbursement logistics and other support needs, including hosting a Web site, for the Planning Group process in collaboration with the Co-Chairs and the facilitation team.

## (7) Resolving Compliance with Ground Rules and Operating Procedures

- (a) Should a question or concern arise regarding the conduct of members of the facilitation team, Co-Chairs, Drafting Team, Review Panel, or U.S. Institute staff, an individual is encouraged to discuss the issue directly with the person involved. There is no expectation that the Drafting Team be informed of this discussion unless that is the joint decision of the parties involved in the issue.
- (b) Should a one-on-one conversation be inadequate to resolve the issue, the person raising the concern may request a conference call or in-person meeting to be attended by at least one member of the facilitation team, one of the Co-Chairs, and one representative of the U.S. Institute to discuss the issue and seek a satisfactory resolution. Part of the resolution of the issue at this level will be a decision as to whether the Drafting Team should be informed of the issue and its resolution.
- (c) Should the issue remain without satisfactory resolution, the person raising the concern may bring the issue to the full Drafting Team for discussion and resolution. The resolution of the issue at this level will be documented in the meeting summary.
- (d) If resolution cannot be achieved regarding the conduct of members of the facilitation team, the Co-Chairs, or the U.S. Institute through the means above, the issue will be forwarded to the Federal Working Group for discussion and resolution. A representative of the Federal Working Group will report on the issue resolution at the next available Drafting Team meeting. If the resolution occurs after the December 2007 meeting, the representative may communicate the resolution of the issue via e-mail or fax to the Drafting Team.

### ii) *Consensus and Decision-Making*

#### (1) Process

- (a) Decisions by the Drafting Team will be made by consensus.
- (b) Agenda items that involve actions or decisions will be clearly identified on meeting agendas and sent out with read ahead materials.
- (c) Consensus decisions will be made using a two step process with information and discussion the first day and actions no sooner than the second day to assure adequate notification of and deliberations by Drafting Team members. The two step process may be waived by consensus of the Drafting Team.

- (d) If consensus cannot be reached, the Co-Chairs will designate a period of time to be set aside to address the issue. If consensus still cannot be reached, differing views will be documented in the Charter as approved by the Drafting Team, with no characterization or quantification of the level of support for the differing views.

## (2) Decision Making Roles and Responsibilities

- (a) Members of the Drafting Team are expected to honor their commitment to seek consensus.
- (b) The Co-Chairs and the facilitation team are responsible for gauging the level of agreement among the Drafting Team members and suggesting when it may be appropriate to consider a proposal for a consensus decision.
- (c) It is the affirmative responsibility of each Drafting Team member to voice dissent if s/he cannot support or live with a recommendation. If a member objects to a recommendation, it is also his/her affirmative responsibility to articulate the reasons behind the objection and to provide an alternate proposal.
- (d) Drafting Team members are free to abstain from a determination of consensus for whatever reasons. However, it is the responsibility of each Drafting Team member to affirmatively state his or her desire to abstain from participating in a determination of consensus if s/he so chooses. Abstentions will not affect the membership requirements of section 2.a.ix, Quorum.

### iii) *General Drafting Team Operations*

#### (1) Use of Time

- (a) Planning Group members, agency staff, and the facilitation team will respect each other by being on time. Meetings will begin and end as scheduled on the meeting agenda unless otherwise agreed to by the Drafting Team.
- (b) When making comments, Planning Group members will be considerate of the time needed for others to share their perspectives.

## **(2) Drafting Team Records, including Recommendations**

- (a) The facilitation team will maintain a written record that will accurately summarize decisions and recommendations made by the Drafting Team at its meetings. These written minutes and summaries will be prepared in draft form, and will be clearly identified as draft documents, and all Drafting Team members will be provided an opportunity to suggest revisions to the draft meeting minutes and summaries before they are approved by the Drafting Team.
- (b) All Drafting Team recommendations shall be documented in writing in meeting minutes and summaries or in the Planning Group's final Recommended Charter approved by the Drafting Team and provided to the Federal Working Group.

## **(3) Work Groups**

- (a) The Drafting Team may create special work groups to address specific issues directly related to the Planning Group's purpose. Prior to commencing work, each of these working groups will have a short, written directive that outlines their purpose and tasks, as well as specifying the membership, their roles and responsibilities, the expected work products, and the specific time frame for completing the group's work.

## **c) Expectations for Interactions Outside the Planning Group**

### **i) Public Input During Meetings**

- (1) All meetings shall be open to the public. The facilitation team will be responsible for collecting and documenting public input for Drafting Team consideration. The Drafting Team will determine how best to incorporate public comment into its work.
- (2) The public will be given the opportunity for at least one formal comment period during the course of each meeting day.
- (3) Public comment periods are designated for the public. Seated members of the Planning Group will not make statements during public comment periods.
- (4) Members of the audience and other observers will be asked to refrain from making statements except during public comment periods.

**ii) Internal Communications**

- (1) Meeting agendas and materials will be distributed not less than seven days prior to each meeting by the facilitation team. This will include an updated Planning Group contact list.
- (2) When requested, individual communications from Planning Group members to the entire group will be distributed by the facilitation team.

**iii) External Communications and Activities**

- (1) All members will be accurate and respectful with regard to their communications with others.

## Appendix A: Schedule and Work Plan for 2007

- **June 19-20, Minneapolis, Minnesota:** Drafting Team meets to review legal, regulatory, and policy issues, gather information from other similar chartering efforts, and to develop its final operating procedures and ground rules.
- **July 19-20, Omaha, Nebraska:** Drafting Team develops major outline of MRRIC Charter, identifies norms for individual behavior, and for how to deal with those outside the group.
- **August 27-28, Billings, Montana:** Drafting Team develops norms for MRRIC working as a group, including major roles, representation of organizations and interests, and decision making rules.
- **September 25-26, Minneapolis, Minnesota:** Meeting of the Drafting Team to complete the proposed Charter development
- **October 17-18, Kansas City, Missouri:** Combined Drafting Team and Review Panel meeting for two full days to review proposed Charter
- **November 27-28:** Drafting Team meeting to consider public input to the proposed Charter. The location of the Drafting Team meeting will be determined later. The location and dates of the public meetings will be determined at the August Drafting Team meeting.
- **December:** Drafting Team adopts Charter recommendations for Federal Working Group.

## Appendix B: Membership

### (1) Appointed Members

- (a) At the invitation of the Federal Working Group, tribal leaders and state governors appointed the following representatives (members and alternates) to the Planning Group.

#### (i) Drafting Team

1. David Barfield (member) and Steve Adams (alternate), State of Kansas,
2. Mike Catches Enemy, Oglala Sioux Tribe
3. Gary Collins, Northern Arapaho Tribe
4. David Cookson (member) and Kirk Nelson (alternate), State of Nebraska
5. Thomas Davis (member) and Brenda Bercier (alternate), Turtle Mountain Band of Chippewa Indians
6. Mark Rath (member), State of South Dakota
7. Fred Fox, Mandan, Hidatsa, and Arikara Nation
8. Felix Kitto (member) and EuGene Saul (alternate), Santee Sioux Nation
9. Don "Skip" Meisner, State of Iowa
10. Chairman Walter Moran (member) and Alfred Slater (alternate), Trenton Indian Service
11. John Murray (member) and Joe Rivera (alternate), Blackfeet Tribe
12. Don "Bucky" Pilcher, Sac and Fox Nation
13. Tony Provost (member), Chairman Mitchell Parker (alternate), and Amen Sheridan (alternate), Omaha Tribe of Nebraska
14. Fred Ryckman (member) and Todd Sando (alternate), State of North Dakota
15. Joe Smith (member) and Jeff Kelly (alternate), Standing Rock Sioux
16. Faith Spotted Eagle (member) and Jim Stone (alternate), Yankton Sioux Tribe
17. Chairman Lester Thompson, Jr. (member) and Wanda Wells Crowe (alternate), Crow Creek Sioux Tribe
18. Elizabeth Wakeman, Flandreau Santee Sioux Tribe
19. Bob Walters (member) and Rebecca Kidder (alternate), Cheyenne River Sioux Tribe
20. Mike Wells, (member), John Drew (alternate), State of Missouri

#### (ii) Review Panel

1. Tim Bryggman (member) and Mike Ruggles (alternate), State of Montana
2. Deb Madison, Fort Peck Assiniboine and Sioux Tribes
3. Jodee Pring (member) and Sue Lowry (alternate), State of Wyoming

## (2) Selected Members

- (a) Nongovernmental and local government members and alternates listed below applied for inclusion on the Planning Group and were selected by the U.S. Institute for Environmental Conflict Resolution (U.S. Institute).

### (i) Drafting Team

1. Randy Asbury, Coalition to Protect the Missouri River (MO)
2. William Beacom, Missouri River Navigation Caucus (IA)
3. Patrick Cassidy (member) and Darrell Dorsey (alternate), Kansas City Board of Public Utilities (KS)
4. Joseph B. Gibbs, District Engineer, Missouri Levee Districts(MO)
5. Thomas Graves, Mid-West Electric Consumers Association (CO)
6. David Johnson, Garrison Diversion Conservancy District (ND)
7. William Lay, Howard County Commission (MO)
8. Jack Majeres, Moody County Conservation District (SD)
9. Vicki Marquis, Missouri River Conservation Districts Council (MT)
10. Lanny Meng, Missouri Levee and Drainage District Association (MO)
11. Larry Mires, St. Mary Rehabilitation Working Group (MT)
12. Lynn Muench, American Waterways Operators, Mid-Continent Region (MO)
13. Tom Schrempp, WaterOne - Water District No. 1 of Johnson County (KS)
14. David Schwarz, Yellowstone River Conservation District Council (MT)
15. Stan Schwellenbach, City of Pierre (SD)
16. David Sieck (member) and Elizabeth Hamilton (alternate), Iowa Corn Growers Association (IA)
17. Jason Skold, The Nature Conservancy (NE)
18. Bob Williamson, City of Kansas City (MO)
19. Darrell (Curley) Youpee, General Public, Montana

### (ii) Review Panel

1. Mike Armstrong (member), WaterOne - Water District No. 1 of Johnson County (KS) and Joel Christensen (alternate), Metropolitan Utilities District of Omaha (NE)
2. George Cunningham (NE) (member) and Jim Redmond (IA) (alternate), Sierra Club, Midwest Region
3. Tom Daues, Science Applications International Corporation (MO)
4. Thomas Huntley, Central Montana Electric Power Cooperative (MT)
5. Richard Iverson, Conservation Districts (MT)
6. Don Jorgensen, Missouri River Technical Group (SD)
7. Kevin Knepper, Big Soo Terminal (IA)
8. Marian Maas, Nebraska Wildlife Federation (NE)
9. Buzz Mattelin, Lower Missouri Coordinated Resource Management Council (MT)
10. Tom Moser, Lewis and Clark Natural Resources District (NE)

11. Vicki Richmond, Missouri River Relief (MO)
12. Vic Simmons, Rushmore Electric Power Cooperative (SD)
13. Bill Smith, Waterfowl Association of Iowa (IA)
14. Bill Jackson and Karin Jacoby, MO-ARK (MO)

### (3) Federal Working Group

- (a) Representatives from the Federal Working Group (FWG) are advisory members of the Planning Group. The 11-agency FWG has designated the following individuals to represent the federal agencies and serve as informational resources for the MRRIC Planning Group chartering effort.
  - (i) Dan Fritz, U.S. Bureau of Reclamation (MT)
  - (ii) Joe Cothorn, U.S. Environmental Protection Agency (KS)
  - (iii) Robert Goodwin, U.S. Department of Transportation, Maritime Administration (MO)
  - (iv) Heather McSharry, U.S. Fish and Wildlife Service (CO)
  - (v) Mary Roth, U.S. Army Corps of Engineers (IA)
  - (vi) John Seeronen, U.S. Army Corps of Engineers (OR)
  - (vii) Nick Stas, Western Area Power Administration (MT)
  - (viii) Leroy Stokes, Natural Resources Conservation Service (IA)
  - (ix) Margot Zallen, Department of the Interior (CO)

### (4) Co-Chairs

- (a) The federal executives of the Missouri River Basin Interagency Roundtable recommended two individuals to function in an impartial leadership role as Co-Chairs for the Planning Group process. The recommended Co-Chairs were endorsed by the Planning Group at its meeting in Kansas City, Missouri in April, 2007. The service of the Co-Chairs is being provided under the independent auspices of the U.S. Institute.
  - (i) Cheryl Chapman, Rapid City, SD
  - (ii) John Thorson, San Francisco, CA

### (5) Support Personnel

- (a) **Facilitation Team**

The U.S. Institute issued a solicitation for facilitation services for the Planning Group. Four interviews were conducted with members of the Planning Group to assess its preferred facilitation team. The Planning Group recommended the selection of the following team to the U.S. Institute. This team is providing contracted facilitation services to the MRRIC chartering effort under the independent auspices of the U.S. Institute.

  - (i) Ruth Siguenza, Team Lead, Ruth Siguenza LLC, Mill Creek, WA
  - (ii) Karen Amen, Olsson Associates, Lincoln, NE
  - (iii) Lisa Behrns, Olsson Associates, Lincoln, NE
  - (iv) Martha Gilliland, Tucson, AZ
  - (v) Steve Miller, Olsson Associates, Lincoln, NE
  - (vi) Doug Huston, AccuEdit Writing Services LLC, Aloha, OR

- (b) **U.S. Institute for Environmental Conflict Resolution**
  - (i) Mike Eng, Senior Program Manager, Tucson, AZ
  - (ii) Patricia Lewis, Program Assistant, Tucson, AZ

## Appendix C: Federal Working Group Participating Agencies

### i) Federal Agencies

- (a) U.S. Army Corps of Engineers
- (b) U.S. Bureau of Reclamation
- (c) U.S. Bureau Indian Affairs
- (d) U.S. Fish and Wildlife Service
- (e) U.S. Environmental Protection Agency
- (f) U.S. Forest Service
- (g) U.S. Maritime Administration
- (h) U.S. Department of Transportation
- (i) U.S. Department of the Interior
- (j) National Park Service
- (k) Natural Resource Conservation Service
- (l) Western Area Power Administration
- (m) U.S. Geological Survey
- (n) National Oceanic and Atmospheric Administration
- (o) U.S. Institute for Environmental Conflict Resolution