

**Draft Meeting Minutes
Missouri River Recovery Implementation Committee
Planning Group Meeting
Kansas City, Missouri**

October 17 and 18, 2007



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Summary

The Planning Group for the Missouri River Recovery Implementation Committee (MRRIC) met in Kansas City, Missouri on Wednesday and Thursday, October 17 and 18, 2007, to continue work on developing a recommended charter for the MRRIC.

The meeting was chaired by Cheryl Chapman and facilitated by Ruth Siguenza, CPF, and Steve Miller. Notes were taken by Douglas Huston.

This was a full Planning Group meeting to develop a DRAFT Charter for the MRRIC. The purpose of this meeting was to give the Review Panel an opportunity to review and provide feedback to the Drafting Team on the current DRAFT Charter Outline language and for the Drafting Team to prepare a proposed DRAFT MRRIC Charter for public comment.

The Planning Group was seated at seven (7) small tables arranged in a U shape in the meeting room. There were Drafting Team and Review Panel members seated at each table. Before the meeting started, Federal Working Group representatives were invited to disperse among the tables also to act as resources for the Planning Group's discussions.

The Draft Charter Outline was reviewed using a technique borrowed from urban planning known as a charrette. In the charrette technique, small groups focus on a defined set of issues and then report their ideas back to the larger group where they are integrated into a whole. In this case, the DRAFT Charter Outline was broken down into its six (6) different sections, and each small group was tasked with reviewing each of the sections and answering three questions:

1. Is it understandable?
2. Is it reasonable?
3. Is it implementable?

In addition to answering these questions, the groups were asked to provide any other feedback on the current DRAFT Charter Outline language they thought important. Following the groups' review of each section, the groups reported back the results of their discussions to the whole group. The Planning Group successfully completed all six (6) charrettes on day one.

Following the end of the day one meeting, the facilitation team synthesized the individual groups' feedback into a series of yes/no questions to be provided to the Planning Group for the following day's meeting. See Appendix A for a copy of these questions.

The purpose of the day two meeting was to take the feedback from the previous day's meeting, now condensed to a series of yes/no questions; and, using this feedback have the Drafting Team come to agreement on a DRAFT Charter to be presented to the public for its comments.

Based on this feedback, the Drafting Team added a preamble to the preliminary DRAFT MRRIC Charter, added a requirement for the MRRIC to develop a set of operating procedures and made modifications to the Purpose and Scope, Definitions, Membership and Representation of Interests, General MRRIC Operations, and the Communications and Record Keeping sections.

During the Membership section discussion, the Planning Group had a lengthy debate over federal agency participation and a new proposal on this topic was developed. The Drafting Team decided to send both the original language and the new language out for public comment.

Due to a lack of time, the Planning Group was unable to complete the review of all the input from the charrettes. As a result, the Drafting Team decided to release the most current version of the DRAFT Charter Outline language for public review for those sections for which the charrette review had not been completed.

Meeting Minutes

The Planning Group for the Missouri River Recovery Implementation Committee (MRRIC) met in Kansas City, Missouri on Wednesday and Thursday, October 17 and 18, 2007, to continue work on developing a recommended charter for the MRRIC.

The meeting was chaired by Cheryl Chapman and facilitated by Ruth Siguenza, CPF, and Steve Miller. Notes were taken by Douglas Huston.

Day One: Wednesday, October 17, 2007

Meeting Opening and Introductions

Co-Chair Cheryl Chapman called the meeting to order at 8:10 am and welcomed everyone. The group members then went around the room and introduced themselves. Cheryl reviewed the agenda for the meeting and thanked the Review Panel members for joining the meeting. The agenda was adopted as proposed.

Adoption of September Meeting Minutes and Summary

Doug Huston reviewed with the Planning Group the comment he had received from Randy Asbury. Doug reported that he had reviewed Randy's comment, and had changed the DRAFT September Minutes accordingly. Joe Gibbs also had a comment on the September Minutes and Doug and Joe discussed this comment. With these changes made, the DRAFT September Minutes were adopted.

Setting the Context

Cheryl introduced Mike Eng of the U.S. Institute for Environmental Conflict Resolution (U.S. Institute) to set the context for the work the Planning Group would be doing over the next two days.

Mike welcomed everyone to the meeting, especially the Review Panel members. He then proceeded to review the history and development of the MRRIC chartering effort, including the role of the U.S. Institute in convening the MRRIC Planning Group, consisting of the Drafting Team and the Review Panel. He also discussed the conditions under which collaborative bodies function well and indicated that MRRIC was originally envisioned to serve as a collaborative forum for bringing together the various interests in the basin to jointly develop solutions for restoring the Missouri River ecosystem and recovering threatened and endangered species affected by Missouri River operations. Mike also provided the Planning Group with copies of the "Public Participation Spectrum" developed by the International Association of Public Participation, to illustrate the differences and distinctions between an approach that would "involve" others in a decision-making process, versus one in which the intent was to "collaborate" with others in making a decision.

Using a graphic to depict the relationships between the various groups, Mike then discussed how the Drafting Team, the Review Panel, the public workshops, and the public comment period fit together to produce a proposed charter for the MRRIC. This graphic can be seen on the MRRIC Web site at <http://missouririver.ecr.gov/>. A copy is also attached to these minutes as Appendix D.

Mike welcomed everyone to the meeting, especially the Review Panel members. He then proceeded to review the history and development of the MRRIC chartering effort, including the role of the U.S. Institute in convening the MRRIC Planning Group, consisting of the Drafting Team and the Review Panel. He also discussed the conditions under which collaborative bodies function well and indicated that MRRIC was originally envisioned to serve as a collaborative forum for bringing together the various interests in the basin to jointly develop solutions for restoring the Missouri River ecosystem and recovering threatened and endangered species affected by Missouri River operations. Mike also provided the Planning Group with copies of the “Public Participation Spectrum” developed by the International Association of Public Participation, to illustrate the differences and distinctions between an approach that would “involve” others in a decision-making process, versus one in which the intent was to “collaborate” with others in making a decision.

Mike also reminded the Planning Group of the four ways for interested parties to participate in developing a recommended Charter for MRRIC. They consisted of participating on the Drafting Team, the Review Panel, in public workshops, and by submitting public comments. A copy of the graphic of overlapping ovals to illustrate the relationship among these four ways of participating is included in Appendix D.

Following Mike’s presentation, the Review Panel had some questions concerning how the language referencing federal agency participation got included in the Water Resources Development Act (WRDA) bill. Dave Cookson, of the State of Nebraska, reviewed the genesis of the WRDA language.

DRAFT Charter Language Review

Steve Miller reviewed the purpose, ground rules, and format for the Planning Group’s day one work. Day one’s purpose is to give the Review Panel a chance to review the current version of the DRAFT Charter Outline and provide feedback to the Drafting Team using the charrette technique. In the charrette technique, small groups review small pieces of a larger issue or project and report their results back to the larger group where they are integrated into a single solution. Drafting Team and Review Panel members were seated at seven round tables arranged in a U shape around the meeting room. The purpose of the Drafting Team members at each table was to provide background on the development of the current DRAFT Charter Outline language.

Prior to starting their review, Ruth Siguenza reviewed the federal agencies' role in this process and invited Federal Working Group representatives to disperse among the tables to act as resources for the groups. The groups were asked to answer the following three questions:

1. Is the current language understandable?
2. Is the current language reasonable?
3. Is the current language implementable?

Group Reports

Charrette 1: Purpose and Scope, Convening Authority, Definitions, Charter Amendment

Group 1

Group 1 pointed out that MRRIC will be bound by WRDA. They discussed the value of going back to the proposed framework language and developing a preamble statement. The facilitation team was asked to type up this language for the group's review and consideration.

Group 2

Group 2 reported it had reached consensus on all the sections except the Definitions section. The group suggested that *guidance*, *mitigation*, and *plans* be added to the Definitions section. Group 2 also suggested that MRRIC attempt to define the study mentioned in WRDA. The group also reported it had discussed how other programs such as the Platte River would integrate with the MRRIC structure.

Group 3

This group was concerned that the term tributaries used in the Purpose and Scope section was not defined and including the tributaries under the MRRIC's Purpose and Scope could affect Committee membership. It pointed out that this language was a compromise worked out by the Drafting Team and Planning Group members should consider if they can live with it. The group was concerned that the definition of *meetings* might exclude meetings shorter than a full day. They also commented that the definition of *quorum* needed to be developed. Finally, they had some concerns with the current definition of *restoration*; they preferred the definition based on WRDA language.

Group 4

Group 4 pointed out that if WRDA did not pass, there were sections other than just the Convening Authority section that would need revision. In the Purpose and Scope section the group suggested that the phrase “identify impacts” might be better worded *recognize impacts* or *identify and/or recognize impacts*. In this same section, Group 4 discussed expanding the list of issues to be considered by MRRIC to include natural resources, science and conservation issues. In the Definitions section, Group 4 commented that the definition of *stakeholder economic issues* does not mention fish and wildlife concerns and suggested revising the definition of recovery to replace the word *neutralized* with *reduced* and remove the phrase *can be ensured*. The group suggested the Drafting Team go through the DRAFT Charter Outline and find other words and terms that need definition.

Group 5

Group 3 was also concerned over the definition of *tributaries* as mentioned in the Scope and Purpose section. The group suggested that including a provision in the Membership section to allow the Committee membership to be expanded as necessary might address this concern. Group 5 was also concerned that the phrase “prevent further declines of other native species” might be too broad and could get MRRIC involved in non-river species restoration issues. The group also asked that the term *guidance* be defined and commented that the definition of *adaptive management* may need to be revised to indicate that only shorter term goals are changed based on project reviews.

Group 6

This group reported that it was satisfied with most of the current language. They also felt that it was important that a *quorum* be defined and suggested that the language which defined a quorum in terms of tribes, and states present and a percentage of appointed stakeholders should be adopted.

Group 7

Under Purpose and Scope, Group 7 had concerns that WRDA also has specific guidance on MRRIC’s purpose and this language may need to be added to the preliminary DRAFT MRRIC Charter. It commented that other definitions, in particular a definition of *quorum*, needed to be added to the Definitions section, and it questioned whether the definition of *agencies* included state agencies. The group commented that the Convening Authority section requirement to revise that section if WRDA does not pass might need to be revised since other aspects of the DRAFT Charter Outline would need to be revised if WRDA does not pass. The group did reach consensus on the Charter Amendment section.

Planning Group Discussion

Following the group reports, Ruth summarized the feedback for the Planning Group and reminded them that the goal for the day was to review all of version 20 of the DRAFT MRRIC Charter Outline. She explained that the facilitation team would organize the feedback from these sessions and the Drafting Team would use this feedback to reach consensus on a preliminary DRAFT MRRIC Charter that would be sent out for public comment.

Ruth also pointed out that if Planning Group members had a comment or question and they were not sure where it fit, it could be put in the Parking Lot and the group would deal with it later.

Charrette 2: General MRRIC Operations - Meetings, Communication, Record Keeping, Documents, and Consensus Decision Making

Group 1

This group suggested that a statement be added to the DRAFT Charter Outline requiring MRRIC to develop a set of operating procedures and ground rules. Group 1 also suggested that the proposed definition of *quorum* be changed to require at least one state and one tribe be present for a quorum.

Group 2

Group 2 was concerned that requiring a minimum of four meetings a year might be too many. It also echoed Group 3's concern over the definition of a *meeting*. Group 2 also commented that not taking minutes in an executive session might be contrary to Kansas law. Finally, the group was concerned that WRDA has provisions for expressing dissenting opinions and this DRAFT Charter Outline does not.

Group 3

Group 3 was concerned that the definition of meeting was too strong and might negatively impact other types of gatherings such as teleconferences.

Group 4

Group 4 expressed a desire that people requesting documents from MRRIC not be required to use the Freedom of Information Act (FOIA) process. The group was also concerned about the possible expenses people might incur asking for copies of records. Group 4 also recommended that the MRRIC note-taker be approved by MRRIC. The group commented that the self-evaluation called for in the DRAFT Charter Outline needs further discussion and amplification. Concerns about decision making in executive sessions were expressed.

The group also recommended that draft materials be made available on a dedicated MRRIC Web site. Group 4 also suggested that the Use of Time section be transferred to MRRIC's Operating Procedures.

At this point Steve reminded people that they need to consider the three key questions with regards to these sections. Comments on specifics are welcome, but each group also needs to consider and answer these questions.

Group 5

This group also commented that the definition of quorum belonged in the Definitions section, but suggested that this section of the DRAFT Charter Outline should contain guidance on how a quorum would be determined. Group 5 also suggested changes to the public notice section with regards to using the U.S. Army Corps of Engineers (Corps of Engineers) notification procedures and expressed concern that the records section allowed the public access to draft documents. Finally, it also commented that those people requesting records from MRRIC should not be subject to the FOIA process.

Group 6

Group 6 reached consensus on all the language in this section

Group 7

Group 7 recommended that the definition of *quorum* be moved to the Definitions section and the Use of Time section be deleted from the DRAFT Charter and placed in MRRIC's Operating Procedures.

Planning Group Discussion

John Seeronen, of the Corps of Engineers, reviewed the Corps of Engineers' Federal Committee Advisory Act (FACA) public notice procedures and suggested that the Drafting Team may want to specify in the preliminary DRAFT MRRIC Charter what kind of public meeting notice would be required.

Charrette 3: General MRRIC Operations: Reports, Work Plans, Proposals, Budget and Finance

Group 1

Group 1 expressed concern that the MRRIC was not a legal entity and therefore could not hire an executive secretary as mentioned in the DRAFT Charter Outline. The group also expressed concern that having an independent fiscal agent handle the MRRIC's funds was also not possible.

Group 2

Group 2 had concerns with the implementability of some of these sections. The group suggested changes to the reports section and expressed concern about potential conflicts with WRDA requirements in the Budget and Finance section.

Group 3

Group 3 suggested that the information requirements in the reports section should be more species specific and that the section on funding for independent experts should recommend that the funding agencies provide funding.

Group 4

Group 4 suggested that the list of three species in the reports section might be broadened, that information on incidental takes be added to this report, and that the 60 day notification requirement of the reports section be reduced to 45 days. The group also commented that the language on determining annual budgets was a little unclear.

Group 5

Group 5 commented that the information requirements in the reports section were too specific for a charter. This information should be in the Operating Procedures for MRRIC. The group stated that the MRRIC should request to see federal agency plans when they are proposed so that it could have input in the planning stages of a project. Group 5 stated that the independent fiscal agent provisions of the DRAFT Charter Outline would not be allowed under the Corps of Engineers' contracting requirements and that budgets for the MRRIC would depend on what Congress provides. The group also pointed out that requiring reimbursement for travel in the DRAFT Charter Outline is contrary to WRDA, but there may be other ways to deal with this.

Group 6

Group 6 commented that the reason for the specificity in the reports section was to develop a set of performance measures that MRRIC could monitor. The group further commented that the financing details were designed to ensure the federal agencies were committed to making this process work. The group recommended that the language stay as it is.

Group 7

Group 7 commented that the reports section is geared only towards species recovery. MRRIC should require reports on other efforts on the Missouri River. The group also noted the conflict between WRDA and the DRAFT Charter Outline's requirement for travel reimbursement.

Planning Group Discussion

Following the group reports on this section, the Planning Group discussed the DRAFT Charter Outline provisions concerning an independent fiscal agent, funding in general, and the ability of the MRRIC to hire or engage outside entities such as technical experts. Several people commented that this was problematic since MRRIC was not a legal entity. In addition to funding issues, the Planning Group discussed the idea of sending the DRAFT Charter Outline up for approval with provisions whose implementability was dubious due to WRDA in order for the Secretary of The Army to get an idea of what stakeholder desires actually were.

Ruth explained to the Planning Group that while the small groups were having their discussions the facilitation team had been reviewing the previous responses and was grouping the responses into key areas, suggestions, and questions. These were posted next to the responses on the flipcharts along the wall.

Federal Working Group Input

Heather McSharry, of the USFWS, reported that there were still pictures and cards available for those Drafting Team members who did not make the Minneapolis meeting. These pictures and cards had been presented to the Drafting Team at the September meeting in Minneapolis by the Federal Working Group in appreciation for the team's efforts.

Rose Hargrave, of the Corps of Engineers, informed the Planning Group that there were copies of the Annual Operating Plan (AOP) and the slides used in the recent AOP presentation available. She also informed the group that General Martin will be leaving and Colonel Miles will be the acting division commander starting in November until General Rath takes over in December.

Mary Roth, of the Corps of Engineers, presented proposed federal agency participation language developed by the Federal Working Group. This language would allow the various federal agencies to determine themselves if they were lead agencies for a specific issue. The Federal Working Group was concerned that the Drafting Team proposed language effectively placed the participating federal agencies on the same level as the general public and was inconsistent with WRDA. In addition, the Federal Working Group pointed out there could be agencies other than the Corps of Engineers and the USFWS that MRRIC would need to engage right at the start of some discussions.

Planning Group Discussion

Planning Group members pointed out that the current Drafting Team language on federal agency participation was a compromise worked out to deal with trust issues that had developed between the stakeholders and the federal agencies during the Spring Rise process. It was also pointed out that a participating agency could still get an issue before the MRRIC in a timely fashion by bringing it to one of the lead agencies. Finally, some members of the Planning Group disagreed that the language in the DRAFT MRRIC Charter Outline was inconsistent with WRDA.

Draft Charter Language Review (continued)

Group Reports

Charrette 4: Membership and Representation of Interests: Members and Alternates, Membership Selection Process, Terms of Office, Replacement and Attendance

Group 1

This group reported that its major topic of discussion was federal agency participation, but it would save that for later. This group's next major concern was the number of stakeholder interest groups in the DRAFT Charter. The group recommended going back to the original eight (8) proposed interest groups.

Group 2

This group discussed some potential language changes and a change to the term of membership from three years to one year. Group 2 also discussed having the U.S. Institute do the screening for the founding members of MRRIC to avoid the appearance that the Drafting Team was trying to perpetuate itself. Finally, the group discussed adding additional federal agencies and states to the membership of MRRIC.

Group 3

Group 3 discussed the need for a definition of *at-large members*. It also discussed the need to include information on how the tribes would determine membership and information on the process for selecting the founding members of MRRIC. Also, the group discussed the need to have a way to bring new people onto the Committee. It felt that it was going to be important to have some regular turn over of members to ensure MRRIC remains a viable committee.

Group 4

Group 4 reported that it spent most of its time discussing federal agency participation. It felt that the Drafting Team needed to clarify what the phrase “provided the opportunity to speak” meant. The group suggested that maybe the Chair could recognize other federal agencies as necessary during the discussion of an issue.

Group 5

This group expressed concern that listing the states and tribes eligible for MRRIC might be considered usurping the Secretary of the Army’s prerogatives. The group also suggested that MRRIC memberships be life terms and that the Secretary of the Army needed to see all membership applications; however, MRRIC could make appointment recommendations.

Group 6

Group 6 expressed concerns that small organizations and individuals might have difficulty getting representation on the MRRIC given the current, proposed membership structure. The group did comment that MRRIC could have sub-committees thereby allowing additional individuals an opportunity to participate.

Group 7

Group 7 expressed concern that the option to allow the participating agencies to appoint a representative at a level other than the SES level would have a negative effect on the Committee’s functioning. The group pointed out that the list of tribes should be corrected: it should list the Ft. Peck Assiniboine. The group also suggested that possibly an ad-hoc category should be added to the stakeholder list of interests to allow representation of other, additional interests. It also commented that tribal cultural interests were different than stakeholder cultural interests.

Planning Group Discussion

Sue Jennings, of the National Park Service (NPS), addressed the Planning Group and stated she was distressed that there was a feeling among the Planning Group that the NPS could not be trusted. She stated that the NPS was committed to the success of this project and committed to working as collaboratively and cooperatively as it could within its regulatory responsibilities.

There was a comment from the Planning Group that the two meeting rule allows an agency to consult with its decision makers between meetings and that this might make SES representation on the federal agencies’ part unnecessary.

Charrette 5: Roles and Responsibilities, Staffing and Dispute Resolution

Group 1

Group 1 suggested that the language concerning the Chair's and Vice Chair's responsibilities to provide an annual budget estimate needed to be worded to acknowledge that MRRIC will be subject to an appropriation.

Group 2

Group 2 suggested that the selection process for the Chair and Vice Chair be clarified and that the language on representing Committee views be changed to allow them to discuss only consensus recommendations. The group also discussed adding language to this section to address conflicts of interest and monetary gain.

Group 3

This group also suggested the Chair and Vice-Chair be authorized to convey only the consensus recommendations of the Committee. In addition, this group asked the Corps of Engineers to elaborate on the restrictions regarding MRRIC obtaining outside, expert help.

John Seeronen, of the Corps of Engineers, repeated his comments that the MRRIC was not a legal entity and could not hire people. He further stated that the Secretary of the Army was looking for recommendations from MRRIC, not from an outside entity. The Planning Group clarified that the purpose of engaging an outside expert or entity would not be to advise the secretary but to advise MRRIC.

Group 4

Group 4 agreed with the previous groups that the Chair and Vice Chair should have the authority to convey only consensus recommendations. The group suggested limiting the authority to call executive sessions to the entire MRRIC.

Group 5

This group commented that federal agency representatives should not be eligible to be Chair or Vice Chair. Group 5 was also uncomfortable with the Chair or Vice Chair having the authority to speak on behalf of the Committee with the exception of statements agreed to by the Committee. The group also proposed language changes that would delete the Coordinating Sub-committee section and the section on specific tasks for a facilitation group.

Group 6

Group 6 commented that this section needed language clarifying what the authority of Committee members was with regards to speaking on behalf of the Committee and the language concerning a note taker needed to be clarified.

Group 7

Group 7 was also concerned about allowing the Chair and Vice Chair to speak for the Committee. The group expressed concern that the section on compensating independent panel members could include MRRIC members and that a July 1 start date for the Committee would conflict with the terms of office of members as set forth in the DRAFT Charter Outline.

Charrette 6: Interactions Outside of MRRIC

Group 1

Group 1 discussed the various options for a MRRIC Web site and expressed concerns about document handling and Committee funding. It suggested that it might be a good thing for the U.S. Institute to continue to sponsor MRRIC since it could operate with “no year” money.

Group 2

Group 2 suggested some wording changes to the MRRIC Web site language and suggested that the Committee consider having a legislative and educational outreach trip to Washington, DC, possibly in concert with regularly scheduled meetings.

John Seeronen, of the Corps of Engineers, requested that the Drafting Team consider whether public education was a task within the MRRIC’s intended purpose. He had concerns about the logistics and funding of these types of efforts.

Group 3

This group suggested that the requirement for the MRRIC to conduct an annual conference be deleted and suggested adding a statement that all external communications be accurate and respectful.

Group 4

Group 4 suggested changing the Web site language to indicate that the Web site was a primary source of information about the MRRIC’s activities. This group was in favor of holding an annual conference.

Group 5

Group 5 suggested that the MRRIC should have a Web site independent of the Corps of Engineers and that this Web site should have a password protected area for Committee members only.

Group 6

This group concurred with the comments from the previous groups

Group 7

Group 7 had no comments on the current DRAFT Charter Outline language.

Planning Group Discussion

Cheryl congratulated everyone on the day's work and noted that a key question that seemed to recur today was the legal status of the Committee. She commented that this needed to be clearly understood.

Public Comment

Pat Lewis, of the U.S. Institute, congratulated everyone and suggested that the title of the executive secretary mentioned in the DRAFT Charter Outline could be changed to administrative coordinator.

Wrap Up

Steve reviewed the items in the parking lot.

The Planning Group expressed concerns over the amount of notice that would be available to the public when changes were made to the adaptive management strategy. Many farmers were already making plans for 2008. The Federal Working Group responded that there were no plans to change the Master Manual in the near future.

Drafting Team members also suggested that it might be useful for the Review Panel to caucus tomorrow morning before the full Planning Group meeting.

In response to Planning Group questions, Ruth stated that the information from today's charrettes would be condensed over night by the facilitation team and provided to the Planning Group in the morning.

Cheryl announced to the Planning Group that her company was part of a team that was bidding on some Missouri River work that would start in December. She also stated that she has been asked to speak before the Missouri River Association of States and Tribes (MORAST) and asked the Planning Group if they would be comfortable with her doing that after the November meeting.

Pat Cassidy, of the Kansas City Board of Public Utilities, made some final announcements about the evening's planned activities.

The meeting was adjourned at 4:20 pm.

DRAFT

Day Two: Thursday, October 18, 2007

Meeting Opening and Introductions

Co-Chair Cheryl Chapman called the meeting to order at 8:03 am. She thanked Pat Cassidy, Tom Schrempp, and Bob Williamson for hosting the activities the night before and complimented the group on its efforts the previous day. The agenda for the day was reviewed.

Review Panel Input

Steve Miller invited the Review Panel members to provide their comments to the Planning Group.

Mike Armstrong, of Water One, commented that though he thought the DRAFT Charter Outline was well written from a technical standpoint it was too focused on WRDA. He was concerned that there was not enough historical information in the DRAFT Charter Outline and that this was valuable information that might be lost over the years. He suggested that the MRRIC charter should be more comprehensive and proactive.

The Drafting Team suggested that maybe a preamble to the DRAFT Charter Outline would be an appropriate place to include some historical information.

Planning Group Review of Day One Charrette Results

Ruth Siguenza explained to the Planning Group the plan for the day. The facilitation team had synthesized day one's charrette responses in the form of yes/no questions. See Appendix A for a copy of these questions. These questions would be handed out to the small groups who would then be asked to respond to them. She also explained that the groups had been rearranged to create separate Review Panel and Drafting Team groups for day two. The reason for this being that the Drafting Team was designated as the decision-making body for determining consensus on recommendations.

Report Out

Charrette 1: Purpose and Scope

The Drafting Team made a number of changes to the definitions section: it changed the definition of *stakeholder economic issues* to *stakeholder issues*, broadened the definition of *meeting*, revised the definitions of *recovery* and *restoration*, and added a definition of *quorum*. The team also expanded the range of issues covered in the Scope and Purpose section and decided to add a preamble to the preliminary DRAFT MRRIC Charter. The team also clarified the tribal consultation and tributaries language. The Review Panel expressed concern about being able to comment on the DRAFT Charter again, and the Drafting Team discussed the option of including more than one set of proposed language for the public to comment on if necessary.

Charrette 2: General MRRIC Operations

The Drafting Team revised the public notice requirement, the open meetings requirement, and decided to add a requirement to the preliminary DRAFT MRRIC Charter to develop operating procedures. Additionally, the Planning group had concerns about the minimum number of meetings, about draft documents being available to the public, and about whether the consensus process proposed for the MRRIC was consistent with WRDA.

Planning Group Discussion

At this point, it was approaching lunch time. Ruth suggested that the Drafting Team consider a contingency plan for providing a preliminary DRAFT MRRIC Charter for public comment in the event the group was unable to finish reviewing all the charrette input. She suggested that the current DRAFT Charter Outline language be provided to the public in the event that specific charter sections were not completed at this meeting.

Prior to lunch, Ruth suggested that Planning Group members review the yes/no questions for the next two sections over lunch in the hopes that this would expedite and focus the afternoon discussions.

Following lunch, Co-Chair Cheryl Chapman suggested that the format of the meeting be changed in order to speed up the process. She asked that the group start with the existing language and determine if the Drafting Team members could live with that language. If not, then the suggestions made by the Review Panel could be considered as alternate language. She further suggested that the group start with the Membership section.

Membership

The Planning Group had a lengthy debate regarding federal agency participation. The major concern was the two tier system of lead and participating agencies currently described in the DRAFT Charter Outline. The federal agencies wanted clarification on how a participating agency could be called to be a lead agency and who would do that, and how and when participating agencies would be allowed to comment and participate in discussions during meetings. The Drafting Team revised the federal agency participation language to address these concerns. In addition to the federal agency participation language, the group reviewed the other membership categories and determined that the current language was acceptable to go to public comment.

Following the afternoon break, the Drafting Team raised some concerns about the federal agency participation language agreed to before the break. The issue was that the new language was too open and allowed any and all federal agencies to participate as lead agencies at any time. The Drafting Team decided to provide both the original DRAFT Charter Outline, Version 20 language and the proposal developed before the break to the public for comment.

The group also discussed creating an ad-hoc membership category. This idea was added to the Parking Lot for future consideration.

During this discussion, members of the Review Panel expressed a feeling of disenfranchisement given the change in format for the day two afternoon session.

The group discussed the dispute resolution process and tasked the facilitation team to adapt the language from the Drafting Team Operating Procedures and Ground Rules and add it to the preliminary DRAFT MRRIC Charter.

At this point, given the time, Ruth asked the group to determine what would go out for public comment for those sections the team had not reviewed yet. The Drafting Team decided to allow the current DRAFT Charter Outline Version 20 language to go out for public comment for those sections the group had not yet discussed.

Ruth reviewed the schedule for the public comment period and the meeting schedule for the public workshop and the November Planning Group meeting. She also reviewed the opportunities available for public comment:

1. The public workshop
2. The survey questionnaire on the MRRIC Web site

Public Comment

John Drew, of the State of Missouri, suggested that there should be a section on the questionnaire to determine if a responder was from the Missouri River Basin or not.

Federal Working Group Update

Mike Eng, of the U.S. Institute, suggested that the Planning Group consider the Public Participation Spectrum to help determine how they wanted MRRIC to function and relate to the federal agencies. Drafting Team members expressed an interest in receiving this spectrum via e-mail and Mike agreed to send it out.

Review Panel Input

The Review Panel expressed appreciation for the work of the Drafting Team and again expressed frustration and a feeling that its input had been marginalized on the second half of day two.

Planning Group Feedback

Members of the Drafting Team expressed appreciation for the Review Panel's efforts and suggested that its input did influence the current preliminary DRAFT MRRIC Charter. Drafting Team members also expressed frustration at the frequent backtracking and changing the team does on already agreed upon DRAFT Charter language. The Drafting Team also expressed its desire that the Review Panel members and others appreciate the delicate negotiations that have gone into crafting some of the more sensitive sections of the draft document.

Wrap Up

Cheryl closed the meeting by commenting that the frustration the Planning Group felt might be painful but it was getting the group where it needed to go.

The meeting was adjourned at 3:58 pm.

Appendix A: Synthesis of Day One Charrette Comments

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

Planning Group Meeting Charrette Comments v0
October 17, 2007

(Questions highlighted in yellow are questions on which the
Drafting Team reached consensus.)

1) Charrette 1: Purpose and Scope

- a) Do you want the facilitation team to develop definitions for the following terms?
 - (1) Guidance
 - (2) Mitigation
 - (3) Study
 - (4) Plans
 - (5) Consensus
 - (6) Sub-Committee, Panel, and Workgroup
- b) Should we add natural resources, science, and conservation to the definition of Stakeholder Economic Issues?
- c) Should we broaden the definition of meeting to include days, partial days, and teleconferences?
- d) Should the current definition of restoration be replaced with WRDA related language?
- e) Should the definitions of Lead and Participating Agencies include the states?
- f) Should the definition of Adaptive Management be amended to differentiate between short and long term goals?
- g) Should the definition of recovery be revised to read: *The process by which the decline of an endangered or threatened species is arrested or reduced and threats to its survival are mitigated or reduced?*
- h) Should the definition of quorum be: *A quorum shall consist of those state representatives and those tribes which are present at the meeting and 51% of the stakeholders who are at that time appointed to the MRRIC?*

Appendix A

- i) Should the definition of quorum include a requirement that at least one state representative and one tribal representative be present?
- j) Should the introduction from Scope and Purpose read: *MRRIC will strive to provide an essential collaborative forum for the basin to come together and participate in developing a shared vision and comprehensive plan for Missouri River Recovery and then to help guide the prioritization, implementation, monitoring, evaluation, and adaptation of recovery actions?*
- k) Should we add the following eight bullets from the framework language to the Scope and Purpose Section?
- Development of a comprehensive adaptive management framework for Missouri River threatened and endangered species that incorporates ongoing and currently planned restoration projects and the implementation of the USFWS 2003 Amended BiOp prepared for the Corps' Missouri River projects.
 - Prioritization of a dynamic agenda of recovery actions and opportunities based upon identified recovery needs and available funding
 - Implementation of Species Recovery Plans
 - Preservation, protection and management of cultural resources potentially affected by recovery activities
 - Development of collaborative solutions to conflicts between stakeholders impacted by recovery actions
 - Mitigation of impacts to basin tribes and stakeholders resulting from recovery actions. Mitigation of impacts may include avoidance of impacts when possible, minimization of impacts, and compensation for unavoidable impacts
 - Development of agreed upon and measurable indicators of species response and recovery
 - Development of agreed upon methodologies that link species recovery to overall ecosystem health
- l) Should the Scope and Purpose Section of MRRIC cover tributaries?
- m) If tributaries are mentioned, should they be named in the charter?
- n) Should all references to endangered species in the Charter be limited to the pallid sturgeon, least tern, and piping plover?

Appendix A

2) Charrette 2 General MRRIC Operations

- a) Should the facilitation team add language in the Charter to direct MRRIC to develop operating procedures?
- b) Should the Use of Time section be removed from the Charter?
- c) Should the Charter specify a minimum number of meetings a year?
- d) Should MRRIC records be available without a FOIA request?
- e) Should the draft charter state that only approved (not draft) records be made available for the public?
- f) Should the open meetings section be changed to eliminate the words appear before?
- g) Should the ability to call an executive session be limited to the full MRRIC, not sub-groups?
- h) Should the reference to Corps of Engineers procedures be deleted from the public notice provision?
- i) Is the charter language on consensus actually in conflict with WRDA?

3) Charrette Number 3: General MRRIC Operations

- a) Should the charter recommend travel reimbursement even though WRDA prohibits it?
- b) Is the draft charter requirement for an Independent fiscal agent implementable for MRRIC?
- c) Should the charter be changed to say funding would be supplied by the federal funding agency dependent on authorization?
- d) Should step 7.d request federal agencies submit proposed work plans and cost estimates so MRRIC can review them before implementation?
- e) Should the requirement for agencies to provide annual summary reports on the status of recovery activities be simplified to request species status reports in general?

Appendix A

- f) Should the sixty (60) day notice requirement of step 7.d.ii be shortened to forty-five (45) days?

4) Charrette #4--Members and Alternates

- a) Can you live with new language for 5.a.i.3 number 4 that reads: *Participating Federal Agencies will be incorporated in the full committee when any issue being discussed or considered by MRRIC could affect the Participating Federal Agency?*
- b) Can the committee live with federal agency SES or SES designee attendance?
- c) Should the charter list specific states?
- d) Should charter list tribes in U.S. and Canada?
- e) Should the list of non-governmental stakeholders go back to Randy Asbury's original proposed list (including eight (8) other interests):
 - 1) Navigation 2
 - 2) Irrigation 2
 - 3) Flood Control 2
 - 4) Fish, Wildlife and Conservation 2
 - 5) Recreation 2
 - 6) Power Supply 2
 - 7) Water Quality 2
 - 8) Water Supply 2
 - 9) Other Interests 8
- f) Should all the MRRIC applications be forwarded to the Secretary?
- g) Should the U.S. Institute do the first screening of applicants for MRRIC?
- h) Should alternates apply in the same fashion as primary members?
- i) Should initial MRRIC member terms be one (1) year?

5) Charrette #5-Roles and Responsibilities

- a) Should the facilitation team draft a short conflict of interest statement for MRRIC members and alternates?
- b) Under Chair and Vice-Chair Roles and Responsibilities should the charter require the MRRIC to ensure the interests represented by the persons selected as Chair and Vice-Chair continue to be represented during their terms?

Appendix A

- c) Should the roles and responsibilities of the chair include participation in MRRIC budget development?
- d) Should the charter restrict the Chair's and Vice Chair's authority to represent committee views outside the committee to consensus recommendations?
- e) Should the charter give committee members the authority to speak on behalf of the group?
- f) Should the section on the coordinating committee be deleted?
- g) Should the charter specify who can be compensated on sub-committees and panels?
- h) Should the charter clarify that any independent resources will be advisory to MRRIC not the secretary?
- i) Should staffing for MRRIC be outlined in the charter?

6) Charrette #6--Interactions outside MRRIC

- a) Should the charter state that all committee member communications about MRRIC be accurate and respectful?
- b) Does MRRIC have a public information and education role?
- c) Should MRRIC have an independent Web site separate from a federal agency?
- d) Should MRRIC hold a periodic conference?
- e) Should the U.S. Institute continue to support MRRIC after it is convened?

Appendix B: Attendance on 10/17/07

DRAFTING TEAM	
Name	Affiliation
Adams, Steve	State of Kansas
Asbury, Randy	Coalition to Protect the Missouri River
Cassidy, Patrick	Kansas City Board of Public Utilities
Catches Enemy, Michael	Oglala Sioux
Cookson, David	State of Nebraska
Gibbs, Joseph	Missouri Levee Districts
Good Bird, Bonnie	Mandan, Hidatsa and Arikara Nations
Graves, Thomas	Mid-West Electric Consumers Association
Lay, William	Howard County Commission
Majeres, Jack	Moody County Conservation District
Marquis, Vicki	Missouri River Conservation Districts Council
Meisner, Don "Skip"	State of Iowa
Meng, Lanny	Missouri Levee and Drainage District Association
Mires, Larry	St. Mary Rehabilitation Working Group
Rath, Mark	State of South Dakota
Ryckman, Fred	State of North Dakota
Saul, Eugene	Santee Sioux Nation
Schrempp, Tom	WaterOne
Schwellenbach, Stan	City of Pierre
Sheridan, Amen	Omaha Tribe of Nebraska
Sieck, David	Iowa Corn Growers Association
Skold, Jason	The Nature Conservancy
Smith, Joe	Standing Rock Sioux
Walters, Bob	Cheyenne River Sioux Tribe
Wells, Mike	State of Missouri
Williamson, Bob	City of Kansas City, Missouri
MRRIC PLANNING GROUP CO-CHAIRS	
Chapman, Cheryl	Matrix Consulting
ALTERNATES (Attended in addition to Primary – not at the table)	
Adams, Geno	State of South Dakota
Drew, John	State of Missouri
Donovan, Nate	State of Nebraska

Appendix B

REVIEW PANEL	
Armstrong, Mike	WaterOne
Jacoby, Karin	Mo-ARK
Jorgensen, Don	Missouri River Technical Group
Knepper, Kevin	Tegra Corporation dba Big Soo Terminal
Lepisto, Paul	Izaak Walton League of American
Maas, Marian	Nebraska Wildlife Federation
Maddox, Max	Montana Water Resources
Madison, Deb	Fort Peck Assiniboine and Sioux Tribes
Mattelin, Buzz	Lower Missouri Coordinated Resource Management Council
Moser, Tom	Lewis & Clark Natural Resources District
Pring, Jodee	State of Wyoming
Richmond, Vicki	Missouri River Relief, North of Kansas City, MO
Redmond, Jim	Sierra Club, Midwest Region
Smith, Bill	Waterfowl Association of Iowa
FEDERAL WORKING GROUP ADVISORY TEAM	
Cothorn, Joe	U.S. Environmental Protection Agency
Fritz, Dan	U.S. Bureau of Reclamation
Hargrave, Rosemary	U.S. Army Corps of Engineers
McSharry, Heather	U.S. Fish & Wildlife Service
Roth, Mary	U.S. Army Corps of Engineers
Stas, Nick	Western Area Power Administration
OTHER MEMBERS OF THE FEDERAL WORKING GROUP	
Ames, Joel	U.S. Army Corps of Engineers
Fleming, Craig	U.S. Army Corps of Engineers
Hargrave, Rose	U.S. Army Corps of Engineers
Jennings, Sue	National Park Service
Kluck, Doug	National Weather Service / NOAA
Larson, Darin	Bureau of Indian Affairs
Mac, Mike	U.S. Geological Survey
Maddux, Henry	U.S. Fish & Wildlife Service
Nelson-Stastny, Wayne	U.S. Fish & Wildlife Service
Reinig, Teresa	U.S. Army Corps of Engineers
Seeronen, John	U.S. Army Corps of Engineers
Switzer, Jennifer	U.S. Army Corps of Engineers
MRRIC PLANNING GROUP FACILITATION TEAM	
Huston, Douglas	AccuEdit Writing Services, LLC
Miller, Steve	Olsson Associates
Siguenza, Ruth	Ruth Siguenza, LLC
U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION	
Eng, Mike	U.S. Institute for Environmental Conflict Resolution
Lewis, Pat	U.S. Institute for Environmental Conflict Resolution
OBSERVERS	
Bryan, Bill	State of Missouri
Waters, Tom	Missouri Levee and Drainage District Association & Mo-ARK

Appendix C: Attendance on 10/18/07

DRAFTING TEAM	
Name	Affiliation
Adams, Steve	State of Kansas
Asbury, Randy	Coalition to Protect the Missouri River
Beacom, William	Missouri River Navigation Caucus
Cassidy, Patrick	Kansas City Board of Public Utilities
Blakley, Ron	Mo-ARK
Catches Enemy, Michael	Oglala Sioux
Donovan, Nate	State of Nebraska
Gibbs, Joseph	Missouri Levee Districts
Good Bird, Bonnie	Mandan, Hidatsa and Arikara Nations
Graves, Thomas	Mid-West Electric Consumers Association
Lay, William	Howard County Commission
Majerer, Jack	Moody County Conservation District
Marquis, Vicki	Missouri River Conservation Districts Council
Meisner, Don "Skip"	State of Iowa
Mires, Larry	St. Mary Rehabilitation Working Group
Rath, Mark	State of South Dakota
Ryckman, Fred	State of North Dakota
Saul, Eugene	Santee Sioux Nation
Schrempp, Tom	WaterOne
Schwellenbach, Stan	City of Pierre
Sheridan, Amen	Omaha Tribe of Nebraska
Sieck, David	Iowa Corn Growers Association
Skold, Jason	The Nature Conservancy
Smith, Joe	Standing Rock Sioux
Walters, Bob	Cheyenne River Sioux Tribe
Wells, Mike	State of Missouri
Williamson, Bob	City of Kansas City, Missouri
MRRIC PLANNING GROUP CO-CHAIRS	
Chapman, Cheryl	Matrix Consulting
ALTERNATES (Attended in addition to Primary – not at the table)	
Adams, Geno	State of South Dakota
Drew, John	State of Missouri
Fuhrman, Dan	Mo-ARK

Appendix C

REVIEW PANEL	
Armstrong, Mike	WaterOne
Jacoby, Karin	Mo-ARK
Jorgensen, Don	Missouri River Technical Group
Knepper, Kevin	Tegra Corporation dba Big Soo Terminal
Lepisto, Paul	Izaak Walton League of American
Maas, Marian	Nebraska Wildlife Federation
Maddox, Max	Montana Water Resources
Madison, Deb	Fort Peck Assiniboine and Sioux Tribes
Mattelin, Buzz	Lower Missouri Coordinated Resource Management Council
Moser, Tom	Lewis & Clark Natural Resources District
Pring, Jodee	State of Wyoming
Richmond, Vicki	Missouri River Relief, North of Kansas City, MO
Redmond, Jim	Sierra Club, Midwest Region
Smith, Bill	Waterfowl Association of Iowa
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Cothorn, Joe	U.S. Environmental Protection Agency
Fritz, Dan	U.S. Bureau of Reclamation
Hargrave, Rosemary	U.S. Army Corps of Engineers
McSharry, Heather	U.S. Fish & Wildlife Service
Roth, Mary	U.S. Army Corps of Engineers
Stas, Nick	Western Area Power Administration
OTHER MEMBERS OF THE FEDERAL WORKING GROUP	
Ames, Joel	U.S. Army Corps of Engineers
Fleming, Craig	U.S. Army Corps of Engineers
Hargrave, Rose	U.S. Army Corps of Engineers
Jennings, Sue	National Park Service
Kluck, Doug	National Weather Service / NOAA
Larson, Darin	Bureau of Indian Affairs
Mac, Mike	U.S. Geological Survey
Maddux, Henry	U.S. Fish & Wildlife Service
Nelson-Stastny, Wayne	U.S. Fish & Wildlife Service
Reinig, Teresa	U.S. Army Corps of Engineers
Seeronen, John	U.S. Army Corps of Engineers
Switzer, Jennifer	U.S. Army Corps of Engineers
MRRIC PLANNING GROUP FACILITATION TEAM	
Huston, Douglas	AccuEdit Writing Services, LLC
Miller, Steve	Olsson Associates
Siguenza, Ruth	Ruth Siguenza, LLC
U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION	
Eng, Mike	U.S. Institute for Environmental Conflict Resolution
Lewis, Pat	U.S. Institute for Environmental Conflict Resolution
OBSERVERS	
Bryan, Bill	State of Missouri
Pope, David	Missouri River Association of States & Tribes
Waters, Tom	Missouri Levee and Drainage District Association & Mo-ARK

Appendix D: MRRIC Charter Development Group Relationship

