



Contents

Meeting Summary

Day One - Meeting Opening	1
Adoption of June Meeting Minutes and Summary	1
Operating Procedures and Ground Rules	1
General Drafting Team Operations.....	1
Section 1 - Use of Time	1
Section 2 - Drafting Team Records, including Recommendations	2
Section 3 - Work Groups.....	2
Expectations for Interactions Outside the Planning Group	2
Public Input During Meetings	2
External Communications	2
Internal Communications.....	2
Definitions	2
Updates and Revisions	2
Membership List	3
Quorum Definition.....	3
Purpose	3
Transparency Statement Concerns	3
Federal Working Group Update.....	3
Review Panel Input.....	3
Public Comment Period	3
Work Plan	4
Web Site	4
Examples of Large Scale Initiatives for Endangered Species Recovery and Ecosystem Restoration	4
Development of Approach for Charter Development for MRRIC	4
Meeting Wrap Up	4
Day Two - Meeting Opening	5
Adoption of Planning Group Operating Procedures and Ground Rules.....	5
Federal Working Group Input	5
MRRIC Charter Development	5
Work Plan	6
Meeting Wrap Up	6

Contents

Meeting Minutes

Day One - Meeting Opening	7
Adoption of June Meeting Minutes and Summary	7
Operating Procedures and Ground Rules	8
General Drafting Team Operations.....	8
Section 1 - Use of Time	8
Section 2 - Drafting Team Records, including Recommendations	8
Section 3 - Work Groups	9
Expectations for Interactions Outside the Planning Group	9
Public Input During Meetings	9
External Communications	9
Internal Communications.....	9
Definitions	10
Updates and Revisions	10
Membership List	10
Quorum Definition.....	10
Purpose	10
Transparency Statement Concerns	11
Federal Working Group Update.....	11
Review Panel Input.....	11
Public Comment Period	11
Work Plan	12
Web Site	12
Examples of Large Scale Initiatives for Endangered Species Recovery and Ecosystem Restoration	12
Development of Approach for Charter Development for MRRIC	13
Meeting Wrap Up	15
Drafting Team Feedback	15
Day Two - Meeting Opening	16
Adoption of Planning Group Operating Procedures and Ground Rules	16
Adoption of Meeting Minutes and Summary	16
Federal Working Group Input	17
MRRIC Charter Development	17
Work Plan	19
Meeting Wrap Up	19
Appendix A: Missouri River Convocation	20
Appendix B: Small Group Exercise Results	21
Appendix C: Meeting Attendance on 7/19/07	24
Appendix D: Meeting Attendance on 7/20/07	26
Appendix E: Federal Working Group Chart	28

Meeting Summary

The Drafting Team for the Missouri River Recovery Implementation Committee (MRRIC) Planning Group met in Omaha, Nebraska on Thursday and Friday, July 19 and 20, 2007, to continue work on developing a Charter for the MRRIC.

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

A summary of the agenda items covered and the results of these discussions follows.

Day One - Meeting Opening

Co-Chair Cheryl Chapman called the meeting to order at 8:03 am.

Co-Chair John Thorson introduced the proposed agenda which was adopted by the Drafting Team.

Adoption of June Meeting Minutes and Summary

The Drafting Team decided to table discussion of the minutes until day two. Some members did have comments, and they were asked to see the facilitation team. On day two, the group adopted the June meeting summary and minutes, and for the sake of expediency and efficient use of time, they agreed to send suggested changes and revisions to the facilitation team ahead of meetings.

Operating Procedures and Ground Rules

The Drafting Team questioned how alternates were designated and if members could have more than one alternate. The group was reminded that members could designate someone on the Review Panel as their alternate and it was acceptable to have more than one alternate.

Following this discussion, the Drafting Team completed its work on the sections of the Operating Procedures and Ground Rules remaining from the June meeting.

General Drafting Team Operations

Section 1 - Use of Time

The Drafting Team discussed the short time frame allotted to completing this task and the possibility of eliminating the requirement for an ending time for the meetings but ultimately made no changes to this section.

Section 2 - Drafting Team Records, including Recommendations

Section 2(a) was changed to allow the Drafting Team to make information available to the public before it is finalized so long as it is clearly marked as draft material.

The Drafting Team then decided to move the section describing how the Federal Working Group would respond to the Recommended Charter from this section to the Federal Working Group section under Duties and Responsibilities.

Section 3 - Work Groups

The Drafting Team changed the phrase "specifies the membership" to the phrase "specifying the membership" in this section.

Expectations for Interactions Outside the Planning Group

Public Input During Meetings

The Drafting Team made changes to this section to ensure the public has an opportunity to comment each meeting day and prohibited Drafting Team members from making statements during public comment periods. Drafting Team members will be allowed to ask clarifying questions of the public using a "rule of reasonableness."

External Communications

This section was replaced with a single statement requiring Drafting Team members to be accurate and respectful with regards to their communications with others.

Internal Communications

The facilitation team brought up some concerns it had with sending information to the group on behalf of individual members and asked for Drafting Team guidance on this subject. Drafting Team members decided they wanted the facilitation team to send materials to the Team on their behalf and changed this section to reflect that.

Definitions

This section was moved to the beginning of the Operating Procedures immediately following the Purpose section.

Updates and Revisions

The Drafting Team was concerned about receiving sufficient advance notice for changes to the Operating Procedures. It determined that revisions to the procedures would be made by consensus and would require advance notice to the team via distribution on the next meeting's agenda.

Membership List

Some corrections were made to the membership list and a definition of the Missouri River Basin Interagency Roundtable (MRBIR) was added to the Definitions section.

Quorum Definition

The facilitation team raised some concerns that the definition of quorum as presently written could be misinterpreted to require more members for a quorum than was intended. The Drafting Team reworded the definition to eliminate that possibility.

Purpose

The Drafting Team defined its purpose as recommending a Charter for MRRIC by the end of December, 2007.

Transparency Statement Concerns

At the June meeting, a concern was raised that the statement, "Actions and communications from all participants will be transparent and open" could be misinterpreted to prohibit any private meetings between Drafting Team members. The Drafting Team removed this statement from the procedures.

Federal Working Group Update

Mary Roth of the Federal Working Group displayed a chart outlining the Charter review process and informed the Drafting Team the official comments submitted by federal agencies to congress on the Water Resources Development Act (WRDA) could not be released to the public. See Appendix E for an electronically generated version of the Charter review process chart.

The Corps of Engineers reported they had added Native American treaties and related information to the Web site.

Ernest Quintana, Midwest Regional Director of the National Park Service, thanked the group for its efforts.

Review Panel Input

There were no comments from the Review Panel

Public Comment Period

David Pope, Executive Director of the Missouri River Association of States and Tribes (MoRAST), told the group he was looking forward to working with them and informed them that MoRAST will replace the Missouri River Basin Association.

Work Plan

The Drafting Team was concerned there was not enough time between now and December to develop a Charter and discussed the possibility of creating small work groups to work on aspects of the Charter between meetings. Further discussion of the Work Plan was tabled until day two.

Web Site

Mike Eng of the U.S. Institute introduced the MRRIC Planning Group Web site.

Examples of Large Scale Initiatives for Endangered Species Recovery and Ecosystem Restoration

Jen Johnson of the U.S. Institute presented information on the following endangered species recovery and ecosystem restoration plans and programs:

- Chesapeake Bay Program
- Everglades Restoration Plan
- Cal-Fed
- Columbia River Basin
- Puget Sound
- Upper Colorado River Recovery Implementation Program
- San Juan River Recovery Implementation Program
- Glen Canyon Dam
- Lower Colorado River Multi Species Conservation Plan
- Platte River Recovery Implementation Program

The Drafting Team discussed these initiatives from the standpoint of their decision making processes, federal agency involvement, and convening authority.

Development of Approach for Charter Development for MRRIC

The Drafting Team, Federal Working Group, and other audience members were broken into groups of four and asked to address the following questions:

1. What is the MRRIC's purpose?
2. Will the MRRIC be an integrated (federal agencies part of the decision process) or advisory (federal agencies not part of the decision process) committee?
3. What types of functions and guidance is the MRRIC going to need?

Following the exercise the Drafting Team reassembled and the groups reported their answers. See Appendix B for a consolidated list of these responses.

Meeting Wrap Up

The meeting adjourned at 5:20 pm.

Day Two - Meeting Opening

John Thorson called the meeting to order at 8:00 am. Cheryl Chapman welcomed everyone to the meeting and reviewed the schedule for the day.

Adoption of Planning Group Operating Procedures and Ground Rules

The Drafting Team made some final adjustments to the Operating Procedures and Ground Rules:

1. They clarified the definition of a quorum to eliminate the possibility that it could be used to characterize the level of consensus and moved the quorum definition to the Definitions section
2. They moved the note in section 3.b.4, Federal Working Group, subsection d, up into section 3.b.4, Federal Working Group, subsection c as part of that section.
3. They moved the definition of consensus into the Definitions section.

Following these adjustments, the Drafting Team adopted the Operating Procedures and Ground Rules.

Federal Working Group Input

Larry Cieslik, Chief of the U.S. Army Corps of Engineers Missouri River Basin Water Management Division, clarified that though there had been discussion of having the federal agencies at the table in the MRRIC, the agencies could not give up their decision making responsibilities. However, the agencies were interested in being as much a part of the collaborative process as possible.

In response to this comment, the Drafting Team discussed how an integrated committee might function under a biological opinion. The point was made that there were many possible ways to accomplish a given task required under the biological opinion.

MRRIC Charter Development

The Drafting Team debated whether to deal with decision making or scope and purpose first. The team chose to deal with decision making first. After some discussion, there was general agreement that the MRRIC decision making should be by consensus. There were some concerns related to consensus:

1. How to deal with impasses. There was some discussion of dealing with these by voting. There were also concerns with the negative effects of voting.
2. The possibility that one person could thwart consensus.
3. Preventing quantification of consensus.
4. Making sure the decision process had enough time built in to it to allow consultation with constituent groups if necessary. This was of particular concern to the tribal representatives and those representing state and local government agencies.

Following this discussion, the Drafting Team discussed next steps and decided to form a decision making sub-committee to craft some decision making language for the Charter based on the Operating Procedures and Ground Rules.

Further discussion of next steps led the team to form several other sub-committees to deal with specific aspects of the Charter development process:

- Scope
- Convening Authority (Under what legislation will MRRIC be convened?)
- Logistics
- Science
- Membership, Roles, and Responsibilities

Various members volunteered to work on these sub-committees, and the facilitation team was tasked with setting up conference calls.

Work Plan

Following the Charter development discussion, the Drafting Team updated its Work Plan:

October 17 and 18, Kansas City. This will be a full Planning Group meeting

Further discussion on scheduling of the November and December meetings and the public workshops in early November was deferred to the August meeting. The facilitation team was tasked with coming up with a proposal to hold the public meetings in early November.

The September meeting was changed from a full Planning Group meeting to just a Drafting Team meeting and the August meeting was increased in length to two full days.

Meeting Wrap Up

Ruth reviewed the follow up items from this meeting:

1. Develop a list of MRRIC related laws and policies (Update Appendix A) - Federal Working Group assignment.
2. Develop a list of all federal agencies involved in this process and explain their linkage - Federal Working Group assignment.
3. Facilitation team will come up with a list of possible locations and a proposal for public meetings in November.

Ruth advised the group to submit anything it wanted distributed to the Drafting Team for the August meeting to the facilitation team by Friday, August 10, 2007.

John and Cheryl thanked everyone for coming and reminded Drafting Team members to sign up for the various sub-committees.

The meeting was adjourned at 11:54 am.

Meeting Minutes

The Drafting Team for the Missouri River Recovery Implementation Committee (MRRIC) Planning Group met in Omaha, Nebraska on Thursday and Friday, July 19 and 20, 2007, to continue work on developing a Charter for the MRRIC.

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

A summary of the agenda items covered and the results of these discussions follows.

Day One - Meeting Opening

Co-Chair Cheryl Chapman called the meeting to order at 8:03 am and commented on the need for Drafting Team members to communicate clearly. Following her remarks, the Drafting Team observed a moment of silence and then participated in the Pledge of Allegiance.

Following the Pledge of Allegiance, a roll call of Drafting Team members was conducted.

Following the roll call, Co-Chair John Thorson read a poem about the MRRIC efforts written by his colleague Justice Hobbs. See Appendix A for a copy of this poem.

John then introduced the proposed agenda, reviewed the agenda items and topics for both days, and asked for comments or questions. There being none, the proposed agenda was adopted unchanged.

Ruth Siguenza, the lead facilitator, introduced Lisa Behrns of Olsson Associates and discussed the notebooks Lisa was distributing. These notebooks were prepared in response to a Drafting Team request at the June meeting and were designed to allow Drafting Team members to organize and keep track of meeting and other information for this chartering effort.

Ruth also pointed out that a map of the Missouri River Basin had been posted on the back wall of the room in response to another request made by the Drafting Team at the last meeting. The map was provided by the U.S. Environmental Protection Agency.

Adoption of June Meeting Minutes and Summary

Several Drafting Team members had comments on the minutes; however, not all had submitted their comments to the facilitation team prior to the meeting. The Drafting Team decided to table the discussion of the minutes until day two. People with comments on the minutes who had not yet submitted those comments were asked to see the facilitation team before the next day.

Operating Procedures and Ground Rules

Cheryl introduced the operating procedures and ground rules discussion. She informed the Drafting Team that they'd be working off version four of the proposed ground rules and operating procedures.

General Drafting Team Operations

The Drafting Team had questions concerning how alternates were designated and if members could have more than one alternate. A concern was also raised about the role of the Review Panel. Mike Eng of the U.S. Institute reminded the Drafting Team it had previously decided that members could designate someone on the Review Panel as an alternate and that the process for becoming a Review Panel member was still open. He also informed the Drafting Team that members could have more than one alternate. Cheryl suggested that the Drafting Team discuss the role of the Review Panel following completion of the work on the procedures.

Ruth requested that Drafting Team members who have not yet designated an alternate give the facilitation team at least forty-eight (48) hours notice prior to the next meeting so the alternate's name(s) can be added to the list of members authorized to sit at the table.

Mike also reminded the Drafting Team members they had agreed to notify Pat Lewis or the facilitation team if they were not going to be able to attend a meeting.

Section 1 - Use of Time

The Drafting Team discussed the short time frame allotted to completing the chartering effort and the possibility of eliminating the requirement for an ending time for the meetings. No changes were made to this section.

Section 2 - Drafting Team Records, including Recommendations

With respect to records, the Drafting Team discussed the possibility of making information available to the public before it was finalized. The Team decided that was acceptable if the material was clearly marked as *draft*.

For the recommendations section, the Drafting Team discussed the possibility of having Drafting Team members sign the Recommended Charter, but decided against this. The section now requires the Drafting Team to approve the Charter.

The Team then decided to move the section describing how the Federal Working Group would respond to the Recommended Charter from this section to the Federal Working Group section under Duties and Responsibilities.

The question also came up as to what types of communications/work/meetings the Drafting Team might need following submittal of the Recommended Charter. This issue was added to the Parking Lot.

Section 3 - Work Groups

In the sentence describing the contents of the written direction that will be supplied to any working groups created by the Drafting team, the phrase, "specifies the membership" was changed to read, "specifying the membership."

Expectations for Interactions Outside the Planning Group

Public Input During Meetings

The Drafting Team was concerned about striking a reasonable balance between allowing the public to comment and asking them to restrict their comments to MRRIC topics. The team was also concerned that it be able to ask questions of the public for clarification if necessary. It was decided that the public would have an opportunity to comment each meeting day, and the time for public comment would be divided up such that each person who wanted to comment got an equal amount of time. This would be controlled by the facilitation team and the Co-Chairs. The Drafting Team also decided that members would not make statements during the public comment period, but clarification questions could be asked using a "rule of reasonableness."

External Communications

The Drafting Team pointed out that much of this section was redundant with previous sections of the procedures. The team also discussed potential interactions between the media and individual team members and decided this was acceptable so long as people were clear that what they were saying represented only their individual opinions. The Drafting Team replaced the original paragraphs of this section with a single statement requiring team members to be accurate and respectful with regards to their communications with others.

Internal Communications

The facilitation team brought up some concerns it had with sending information to the group on behalf of individual members. These concerns include: some members don't have e-mail, and the facilitation team doesn't want to be seen as endorsing a particular document as this would be a violation of its commitment to neutrality. The facilitation team asked for Drafting Team guidance on this topic. The Drafting Team decided it was comfortable with the facilitation team sending materials to the Team on behalf of individual members and changed this section to reflect that.

Definitions

The Drafting Team discussed expanding the definitions to include a list of those agencies on the Federal Working Group. The decision was made to create an appendix with a list of the federal agencies. This action was added to the Next Steps list. The group also decided to move the Definitions section to the front of the procedure immediately following the Purpose section.

Updates and Revisions

The Drafting Team was concerned that the process for updating and revising the procedures allow for sufficient advance notice to members before having to make a decision on a proposed change. The group decided that administrative updates to the membership lists in Appendices B and C could be made upon or prior to distribution of the information to the Planning Group, and revisions to the Operating Procedures and Ground Rules would be made by consensus of the Drafting Team following advance notice to the team. The Team must be notified of proposed changes as a part of the mailing of the next meeting's agenda.

Membership List

The Drafting Team pointed out some corrections to individual members' information and then discussed including the Missouri River Basin Interagency Round Table (MRBIR) on the membership list. Following the discussion, the decision was made to add a definition of MRBIR to the Definitions section.

Quorum Definition

The facilitation team raised a clarifying concern with the definition of a *quorum* adopted by the Drafting Team at its June meeting. The concern was that, as written, it could be interpreted to require 51% of the members and 51% of the alternates be present to determine consensus. The Drafting Team decided to modify the definition of quorum to require 51% of the members be present and to move the quorum definition from the body of the procedure to the Definitions section.

During this discussion, the Drafting Team also discussed the role of the Review Panel and how it would provide input. The Team decided to add language to the procedures that would offer the Review Panel members an opportunity to provide input each meeting day.

Purpose

The Drafting Team discussed the possibility of adding a definition for *Charter*, including language about who will receive the Charter. They also discussed whether or not to include a delivery date. The group decided that their purpose was to recommend a Charter for the MRRIC by the end of December, 2007.

Transparency Statement Concerns

At the last meeting, the Drafting Team added the following statement to the procedures, "Actions and communications from all participants will be transparent and open." A concern was raised at the last meeting that this statement might be too broad and could actually be construed to prohibit private meetings between Drafting Team members. The Team discussed the fact that this statement was added as a result of trust concerns that had developed during the Spring Rise process. The facilitation team pointed out this was a different process with a different facilitation team. The Drafting Team decided to remove the statement from the procedures.

Federal Working Group Update

Mary Roth of the Federal Working Group presented a chart outlining the federal agency Charter review process and illustrating the relationships between the Planning Group, the Federal Working Group, and the MRBIR. See Appendix E for the Charter review process chart.

The Corps of Engineers reported they had added information on Native American treaties and other related information to the Planning Group Web site.

In response to a question from the Drafting Team at the last meeting, the Corps of Engineers reported it could not release its comments to congress on the Water Resources Development Act (WRDA). It also noted that information on WRDA status could be found on the Office of Management and Budget Web site.
[\(http://www.whitehouse.gov/omb/query.html?col=omb&qt=WRDA+status\)](http://www.whitehouse.gov/omb/query.html?col=omb&qt=WRDA+status)

Ernest Quintana, the Midwest Regional Director of the National Park Service, thanked the MRRIC Planning Group for its efforts. He felt this was a tremendous process and was looking forward to seeing the final product.

Review Panel Input

There were no comments from the Review Panel.

Public Comment Period

John Thorson introduced David Pope, the executive director of the Missouri River Association of States and Tribes (MoRAST). David commented that he appreciates the work being done and looks forward to working with the group. He reviewed the history of MoRAST and informed the group the Missouri River Basin Association will be phased out and replaced by MoRAST. He commented that in the past, the states and tribes were not speaking with one voice, and he hoped that MoRAST would remedy that.

Work Plan

Ruth introduced the discussion of the Work Plan.

The group discussed the short time frame between now and December and expressed concern that there may not be enough time to develop a Charter, get public input, revise the Charter based on public input, and have it ready by the end of December. The group also broached the possibility of creating small work groups to deal with specific aspects of the Charter between full meetings of the Drafting Team. The group also discussed scheduling of the public workshops, the possibility of tying them to the Corps' annual planning meetings, and the role of Drafting Team members at the public workshops. The Drafting Team is concerned that members could inadvertently harm the process by making comments at the public workshops. The Team decided to table further discussion of the Work Plan until the next morning.

Web Site

Mike Eng of the U.S. Institute for Environmental Conflict Resolution (U.S. Institute) introduced the new MRRIC Planning Group Web site. He asked the Drafting Team to let him know what additional information they wanted to see on the Web site.

Examples of Large Scale Initiatives for Endangered Species Recovery and Ecosystem Restoration

Mike introduced Jennifer Johnson of the U.S. Institute who had conducted extensive research on the charters of large-scale initiatives for endangered species recovery and ecosystem restoration. Jennifer presented a summary of her research on those initiatives:

- Chesapeake Bay Program
- Everglades Restoration Plan
- Cal-Fed
- Columbia River Basin
- Puget Sound
- Upper Colorado River Recovery Implementation Program
- San Juan River Recovery Implementation Program
- Glen Canyon Dam
- Lower Colorado River Multi Species Conservation Plan
- Platte River Recovery Implementation Program

There were various members of the Planning Group present who had worked on several of these programs at various times, and they also shared some of their experiences with the Drafting Team.

The Drafting Team discussed these various initiatives from the standpoint of their decision making processes in general and how the federal agencies were involved in decision making. Initiatives that involved the federal agencies in the collaborative decision making process were referred to as *integrated*. Programs in which only the stakeholders made recommendations to the federal agencies were referred to as *advisory*. Most of the initiatives used a consensus process to make decisions, but some had voting provisions. In general, the groups with voting provisions had problems with hard feelings among the members.

The Drafting Team also discussed the statutory bases for these programs and plans. Five of the groups were constituted under the Endangered Species Act (ESA), two under the Federal Advisory Committee Act (FACA), one under the WRDA, and one under an intergovernmental agreement.

Development of Approach for Charter Development for MRRIC

The Drafting Team broke into groups of four and addressed some basic chartering questions. There was also a group composed of Federal Working Group members and another of Review Panel members and other meeting observers. Each group discussed the following questions for about thirty (30) minutes:

1. What is the MRRIC's purpose?
2. Will it be an integrated committee or an advisory committee?
3. What types of functions and guidance will the MRRIC need?

Following their individual, group discussions, the Drafting Team reassembled and each group chose a spokesperson to share their answers to the questions. The groups had also written their answers on large sticky cards and posted them on the wall. During the reporting time period, the Co-Chairs organized the sticky cards on the walls by category.

Group 1 - This group wanted the MRRIC to be advisory. They felt there might be more chance of gaining consensus having the federal agencies in the process but the process would suffer from the inequalities of having the federal agencies involved in decision making.

This group also talked about science. The MRRIC will need science to be successful, but it may need a technical group to interpret it for the committee.

Membership selection was also one of the topics this group addressed. They felt that decision making should be by consensus.

Group 2 - This group discussed the fact that scope actually has several components: geographic scope, scope of species addressed, and scope of authority and control. The group felt that including the federal agencies was a question that needed to be decided early on. Another important topic that had to be addressed soon was the issue of recovery vs. restoration - which would the MRRIC be dealing with? The group should then address decision making as it will affect membership issues. Other topics discussed by this group were how to integrate cultural, social, and economic issues into the process.

Group 3: - This group was impressed by the discussion of the Upper Colorado River Recovery Implementation Program. It felt that if the federal agencies would commit to participating in a consensus process that an integrated MRRIC would work. Another aspect of this group's discussion was integrating other recovery actions being undertaken by other groups under the MRRIC umbrella. Some questions it felt needed answering were the recovery vs. restoration question, membership of the committee, and scope of the committee.

Group 4: - This group felt that an integrated committee was the most desirable way to go. They had questions on what the scope of the MRRIC would be and how to decide that, how to involve economic interests, and whether future legislation would answer some of these questions for the committee.

Group 5:- This group saw the MRRIC as a vehicle for focusing the scope of recovery activities. The MRRIC will also help keep the feedback loop between stakeholders and federal agencies alive and help to incorporate new science. The MRRIC could identify high payoff and new projects throughout the basin.

Group 6: - This group felt that the MRRIC should be advisory, but this could depend on the scope. It pointed out that the federal agencies already have the biological opinion, and they must conform to that. This group commented that the MRRIC could also advise on adaptive management and could help in coordinating various federal agencies' efforts. It also had some input on what should go into the charter: vision, purpose, goals, scope, representation, how the group should communicate, its governance structure, decision making rules, and how to deal with new science.

Following the presentations by the various groups, the Drafting Team had some questions about advisory vs. integrated committees. There was confusion as to how an integrated committee would work since the federal agencies are bound by the biological opinion.

The Corps responded that it is required by law to implement the biological opinion, on these things, the MRRIC could only advise. However, the biological opinion includes some things that are discretionary. The federal agencies could be integrated with the committee on those items.

The question was asked if the mandatory items in the biological opinion had to be performed in a prescribed manner. The answer was "no." The comment was made that the MRRIC could help the agencies decide what methods to use to accomplish the mandatory aspects of the biological opinion.

The Drafting Team asked if there was recognition that the biological opinion could be wrong. The response was that the idea behind adaptive management was to provide a method to respond to new information, including that which might differ from what was known at the time of the development of the biological opinion. However, changes needed to be made based on science.

At the end of the discussion, the Co-Chairs, John and Cheryl, reviewed the groupings of information they had generated from the small working groups.

Meeting Wrap Up

Ruth reviewed the plan for tomorrow's meeting and asked for feedback. The facilitation team distributed cleaned up versions of the Planning Group Operating Procedures and Ground Rules as revised by the Drafting Team that morning so Drafting Team members could consider the changes overnight.

Drafting Team Feedback

- Very encouraged by today as opposed to Minneapolis. The group made a lot of progress.
- Still think there is a misconception that an advisory committee is the only way to go.

The meeting was adjourned at 5:20 pm.

Day Two - Meeting Opening

John Thorson called the meeting to order at 8:00 am. Cheryl Chapman welcomed everyone to the meeting and reviewed the schedule for the day.

Adoption of Planning Group Operating Procedures and Ground Rules

Cheryl asked if anyone had any last changes or edits to make before the Planning Group adopted the Operating Procedures and Ground Rules.

The Drafting Team corrected an inconsistency between two steps in the procedure on who would receive the Recommended Charter.

The question of seated members making comments during the public comment period was revisited. The decision was made to leave the procedure as it currently stands.

The definition of a quorum was further clarified to eliminate the possibility that it could be used to justify characterizing consensus.

There was some concern that with the change in the definition of consensus, the group now had no requirement to reach consensus. The Drafting Team discussed this and concluded there was still a requirement to reach consensus in the procedures.

The Drafting Team moved the note in step 3.b.4, Federal Working Group, section d, "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" up into step 3.b.4, Federal Working Group, section c as part of that step.

Cheryl commented that the group was at the end of the time allotted for discussing the procedures and asked the Drafting Team to get any non-substantive grammatical changes to her. She asked if there was consensus on adopting the procedures.

The Drafting Team adopted the Operating Procedures and Ground Rules

Adoption of Meeting Minutes and Summary

The Drafting Team addressed revisions to the minutes identified by Leroy Stokes and Vicki Marquis. Lynn Muench also had comments on the minutes but to avoid tedium and save time she chose not to bring them up. The June meeting minutes and summary were approved with minor revisions.

Federal Working Group Input

Larry Cieslik, Chief of the U.S. Army Corps of Engineers Missouri River Basin Water Management Division, clarified that although there had been discussion of having the federal agencies at the table in the MRRIC, the federal agencies could not give up their decision making responsibilities. However, the federal agencies were interested in a process that was as collaborative as possible.

The Drafting Team discussed the pros and cons of integrated vs. advisory committees. There was discussion of how an integrated committee could work under a biological opinion. The point was made that there are many ways to accomplish a task that would satisfy the biological opinion requirements. In addition, a broad base of stakeholder support can help recovery efforts financially.

MRRIC Charter Development

Ruth distributed two documents: a condensation of the previous day's discussion on MRRIC Charter components and a draft work plan based on the development of these components. She explained that the list she handed out organized and grouped the components developed by the previous day's small groups a bit more than was done the day before. The draft work plan was developed in response to the Drafting Team's scheduling concerns. She also explained that, based on her experience, it is most effective to develop purpose and scope first to build a charter. All the other parameters normally flow from that.

The Drafting Team discussed whether to start working on purpose and scope or decision making. They decided to address decision making first. After further discussion, there was general agreement that MRRIC decision making should be by consensus. There were some concerns around consensus decision making:

1. How to handle impasses.
2. Preventing quantification of the level of consensus.
3. The possibility of one person being able to thwart consensus.

The group decided they could discuss and deal with these concerns later. The tribes requested the Charter contain language about tribal sovereignty. They also had a concern that the decision making process needed to have enough time built into it that they would have time to communicate and consult with tribal leaders regarding important issues and recommendations. Representatives from state and local government agencies at the table voiced similar concerns.

There was discussion of dealing with an impasse via a voting process. There were also concerns raised about the negative effects of voting on the MRRIC process.

The Drafting Team decided to form a sub-committee to adapt the decision making language in the Planning Group's Operating Procedures and Ground Rules and bring this back to the August meeting as a proposal for language for the MRRIC Charter. Bill Lay, Bob Williamson, Randy Asbury, Joe Gibbs, Stan Schwellenbach, and Rebecca Kidder were tapped as the sub-committee members. Ruth tasked Lisa Berhns to set up a conference call for the Decision Making Sub-Committee for the week of July 28th. Doug Huston will take notes on the call.

The suggestion was made to commission additional sub-committees to identify possible wording on other topics for the MRRIC charter; perhaps wording from other charters could be adapted. The Drafting Team requested that the Co-Chairs and the facilitation team develop a matrix contrasting differing approaches to dealing with major charter issues and components.

In addition, the Drafting Team asked each sub-committee to include in its report back to the full group the rationale for why it decided on the wording and approach it was recommending for the MRRIC Charter.

For the second sub-committee, the Drafting Team identified the following scope and purpose issues: what species would the MRRIC address, and what will be the MRRIC's geographic scope. There was also discussion of how the concept of economic and social impacts would be addressed in the charter. The Drafting Team formed a scope sub-committee to address these questions. Lynn Muench, Jason Skold, Bill Lay, Vicki Marquis, Fred Fox, and Elizabeth Wakeman volunteered to serve on this sub-committee.

The Drafting Team created a convening authority sub-committee as well. This sub-committee was charged with creating a comparison table of the various requirements under FACA and ESA. Lynn Muench, Don Meisner, Dave Johnson, and Bob Walters volunteered to work on this sub-committee. John Seeronen and Margo Zallen volunteered to act as resource people for the sub-committee. Cheryl Chapman suggested that Mike Eng might also be a good resource for this group.

The Drafting Team then formed three additional sub-committees based on the previous day's discussions about Charter components:

1. Logistics

Topics: Updating and maintaining the ground rules, making the charter a living document, developing sub-committees, choosing tasks, budget and finance, communication. The suggestion was that this group could start with the wording in the Operating Procedures and possibly adapt it for MRRIC use.

Members: Tom Schrempp, Lanny Meng, Dave Sieck

2. Science

Topic: How will MRRIC gather, interpret, understand, and judge the value of scientific and engineering information associated with the Missouri River recovery effort?

Members: Bill Beacom, David Barfield, Mike Wells (John Drew), Fred Ryckman, Patrick Cassidy, Jason Skold

3. Membership, Roles, and Responsibilities

Topics: How to identify affected interest groups, how to ensure balanced representation, and the membership selection process

Members: Larry Mires, Dave Johnson, Lanny Meng, Don Meisner, Jack Majeres, Bill Lay, Tom Graves, Randy Asbury.

Cheryl suggested that Drafting Team members volunteer for these sub-committees by placing their names on the flipcharts for these sub-committees.

Work Plan

The Drafting Team was concerned the current schedule was too short to accomplish the Planning Group's task by the end of the year. They discussed various potential schedules and decided on a schedule for meetings through October:

August 27 and 28, Billings, Montana; changed from a day and a half meeting to two full days.

September 25 and 26 in Minneapolis changed from a full Planning Group meeting to just a Drafting Team meeting.

October 17 and 18 meeting will be in Kansas City. This will be a two day meeting with the full Planning Group. The public workshops were pushed back from early October to early November.

Further discussion on the dates of the November and December Planning Group meetings and the details of the November public workshops was deferred to the August meeting. The facilitation team was tasked with coming up with a proposal to hold the public meetings in early November.

Meeting Wrap Up

Ruth reviewed the follow up items from this meeting:

1. Develop a list of MRRIC related laws and policies (Update Appendix A) - Federal Working Group assignment.
2. Develop a list of all federal agencies involved in this process and explain their linkage - Federal Working Group assignment.
3. Facilitation team will come up with a list of possible locations and a proposal for public meetings in November.

Ruth advised the group that if anyone had anything s/he wanted distributed to the Planning Group for the August meeting the deadline for getting this information to her was Friday, August 10, 2007.

John and Cheryl thanked everyone for coming and reminded the team to sign up for the various sub-committees.

The meeting was adjourned at 11:54 am.

Appendix A: Missouri River Convocation

If scripture of the gift outright is written in stone
for all to see and honor in the law of nations
you may start with Lewis and Clark
at the mouth of the Missouri

Or at the source
with Arapaho Arikara Assiniboine Blackfeet
Cheyenne Crow Gros Ventre Iowa Mandan
Omaha Otoe Pawnee Sioux Shoshone

Up in Yellowstone country or the Medicine Bow
where snowmelt pools spill their jewels
into the heart of the continent
and every creature's

Heartbeat depends upon the rise
and fall of the river and all its tributaries
plover tern and sturgeon
we among them

To whom a greater sovereignty
the art of healing
is given.

(In celebration of those whose work is to charter a recovery plan)

Greg Hobbs
7/4/2007

Appendix B: Small Group Exercise Results

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

DRAFTING TEAM

INITIAL THOUGHTS ON PURPOSE AND CHARTER ELEMENTS

General categories of ideas:

1. Purpose (general issues)
2. Purpose (federal agencies integrated into MRRIC)
3. Purpose (advisory to federal agencies)
4. Scope
5. Type of Convening Authority (legal)
6. Decision-Making
7. Membership
8. Roles and Responsibilities
9. Budget and Finance
10. Science
11. Sub-Committees and Work Groups
12. Ground rules
13. Communication
14. Choosing tasks
15. Living document - should include process to change over time

Expanded Categories and Individual Ideas

1. Purpose (general issues)
 - a. Depends on goals
 - b. Depends on enabling
 - c. Integrate into charter of other recovery activities
 - d. Purpose
 - e. Vision
2. Purpose (federal agencies integrated into MRRIC)
 - a. Elevates stakeholders to agency level
 - b. Purpose/goal/objective
 - c. MRRIC serves as forum to assess what is needed in the basin (i.e. integrated monitor)
 - d. Integration
 - e. Will make agencies listen
 - f. Deputy director level staff needs to attend
 - g. Empowers stakeholders
 - h. Give to get
 - i. MRRIC helps to bring transparency to agency decisions on project need and implementation
 - j. Integrated group including USACE and USFWS
 - k. Identify boundaries between USACE and USFWS

Appendix B

3. Purpose (advisory to federal agencies)

- a. Advisory—no Feds as decision-makers in MRRIC
- b. Advisory
- c. If scope of MRRIC is endangered species recovery Corps has to implement actions to preclude jeopardy and promote recovery
- d. Advisory characteristics
- e. Collaborative
- f. Partnership
- g. Minimize impacts
- h. Better solutions
- i. Prioritize actions
- j. Basin consensus on recovery action
- k. Inform Fed agencies on basin concerns
- l. Advise on adaptive management
- m. Fed agency coordination/integration
- n. State fish and game coordination
- o. Tribal trust responsibilities

4. Scope

- a. Recovery and Restoration Scope
- b. Endangered Species vs. Ecological Restoration
- c. Recovery vs. Restoration vs. Modification
- d. Adaptive Management Decisions Made by MRRIC
- e. What is scope? Ecosystem, endangered species, economic interests (Will scope be changed by Congress?)
- f. Interaction with adaptive management
- g. Is it geographic/biological/authority?
- h. Based on definition of success
- i. How do you get to ecosystem interests?
- j. Combine recovery efforts, e.g. pallid sturgeon on Missouri and Mississippi
- k. How big is scope? Lower basin, upper basin, tributaries, range of endangered species, recovery of species or restoration of river
- l. Scope—species/ecosystem
- m. Geographic scope

5. Type of Convening Authority (legal)

- a. FACA
- b. FACA or other

6. Membership

- a. Who selects
- b. Should include stakeholders, feds, state, tribes
- c. Membership is key charter element
- d. Balanced representation
- e. Key issues related to membership: selection, interest group decision, e.g. what are the interest groups?
- f. Selection process is critical
- g. Fed agencies on committee (FWS and Corps are key)
- h. Representation
- i. How do you integrate cultural and socio-economic interests into charter?

Appendix B

7. Decision-Making

- a. Consensus—don't let anyone dominate process
- b. Dictated by FACA or ESA
- c. (MRRIC) wants to keep right to decide
- d. Decision-making based on verifiable science (who, how?)
- e. Guide the adaptive management process
- f. Keep feedback loops active
- g. Consensus based
- h. Charter committee should be decision-making body
- i. More buy in if charter committee has decision-making authority
- j. Agencies won't give up authority
- k. Decision-making based on species extinction as normal?
- l. Decision-making ties to funding (conflicts of interest)
- m. Committee to identify high pay off, and readily implementable projects
- n. Decision-making by consensus (needs to be defined)
- o. What is potential scope of authority?
- p. Decision-making rules

8. Roles and responsibilities

- a. Roles and responsibilities
- b. Duties
- c. Governance structure

9. Budget and Finance

- a. Financial resources
- b. Budget

10. Science

- a. Independent science
- b. Need technical committee—science, engineering, design, etc.
- c. Science is measurement of success
- d. What are BiOp implications? Group decides better alternatives. Group needs to buy into scientific process.
- e. Help direct a science program (better data to guide better decisions)
- f. Status reports
- g. Science processes

11. Sub-Committees and Work Groups

- a. Sub-Committees
- b. Define work groups

12. Ground rules

13. Communication

- a. Communication
- b. Transparency/records

14. Choosing tasks

Living document—should include process to change over time

Appendix C Meeting Attendance on 7/19/07

DRAFTING TEAM	
Name	Affiliation
Adams, Steve	State of Kansas
Asbury, Randy	Coalition to Protect the Missouri River
Beacom, Bill	Missouri River Navigation Caucus
Cassidy, Patrick	Kansas City Board of Public Utilities
Collins, Gary	Northern Arapaho Tribe
Cookson, David	State of Nebraska
Gibbs, Joseph	Missouri Levee Districts
Graves, Thomas	Mid-West Electric Consumers Association
Johnson, Dave	Garrison Diversion Conservancy District
Lay, William	Howard County Commission
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
Muench, Lynn	American Waterways Operators-Mid-Continent Region
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 Tribe
Wakeman, Elizabeth	Flandreau Santee Sioux Tribe
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
Thorson, John	California Public Utilities Commission (Participation does not represent CPUC)
ALTERNATES (Attended in addition to Primary – not at the table)	
Donovan, Nate	State of Nebraska
Drew, John	State of Missouri
REVIEW PANEL	
Cunningham, George R.	Sierra Club
Maas, Marian	Nebraska Wildlife Federation
Knepper, Kevin	Big Soo Terminal

Appendix C

FEDERAL WORKING GROUP ADVISORY TEAM	
Cothorn, Joe	U.S. Environmental Protection Agency
Fritz, Dan	U.S. Bureau of Reclamation
McSharry, Heather	U.S. Fish & Wildlife Service
Roth, Mary	U.S. Army Corps of Engineers
Stas, Nick	Western Area Power Administration
Stokes, Leroy	Natural Resources Conservation Services
OTHER MEMBERS OF THE FEDERAL WORKING GROUP	
Ames, Joel	U.S. Army Corps of Engineers
Cieslik, Larry	U.S. Army Corps of Engineers
George, Mike	U.S. Army Corps of Engineers
Hargrave, Rose	U.S. Army Corps of Engineers
Johns, Mary Lee	U.S. Army Corps of Engineers
Larson, Darin	Bureau of Indian Affairs
Olson, Mike	U.S. Fish & Wildlife Service
Seeronen, John	U.S. Army Corps of Engineers
Werkmeister, Wayne	National Park Service
Zallen, Margot	U.S. Department of the Interior
MRRIC PLANNING GROUP FACILITATION TEAM	
Behrns, Lisa	Olsson Associates
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
Johnson, Jen	U.S. Institute for Environmental Conflict Resolution
Lewis, Pat	U.S. Institute for Environmental Conflict Resolution
OBSERVERS	
Bryan, Bill	State of Missouri
Maddux, Henry	U.S. Fish & Wildlife Service
Nelson-Stastny, Wayne	U.S. Fish & Wildlife Service
Pope, David	Missouri River Association of Tribes and States
Quintana, Ernie	National Park Service

Appendix D Meeting Attendance on 7/20/07

DRAFTING TEAM	
Name	Affiliation
Adams, Steve	State of Kansas
Asbury, Randy	Coalition to Protect the Missouri River
Beacom, Bill	Missouri River Navigation Caucus
Cassidy, Patrick	Kansas City Board of Public Utilities
Collins, Gary	Northern Arapaho Tribe
Cookson, David	State of Nebraska
Gibbs, Joseph	Missouri Levee Districts
Graves, Thomas	Mid-West Electric Consumers Association
Johnson, Dave	Garrison Diversion Conservancy District
Lay, William	Howard County Commission
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
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Thorson, John	California Public Utilities Commission (Participation does not represent CPUC)
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Drew, John	State of Missouri
REVIEW PANEL	
Cunningham, George R.	Sierra Club
Knepper, Kevin	Big Soo Terminal
Maas, Marian	Nebraska Wildlife Federation

Appendix D

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Stas, Nick	Western Area Power Administration
Stokes, Leroy	Natural Resources Conservation Services
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Zallen, Margot	U.S. Department of the Interior
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Huston, Douglas	AccuEdit Writing Services, LLC
Miller, Steve	Olsson Associates
Siguenza, Ruth	Ruth Siguenza, LLC
U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION	
Johnson, Jen	U.S. Institute for Environmental Conflict Resolution
Lewis, Pat	U.S. Institute for Environmental Conflict Resolution
OBSERVERS	
Bryan, Bill	State of Missouri
Maddux, Henry	U.S. Fish & Wildlife Service
Pope, David	Missouri River Association of Tribes and States

Appendix E:

Federal Working Group MRRIC Charter Approval Flow and MRRIC Process Group Relationship Diagram

