

**MRRIC Planning Group Meeting Summary**  
**April 25, 2007**  
**Hyatt Regency Hotel, Kansas City, MO**

Mike Eng, Senior Program Manager for the U.S. Institute for Environmental Conflict Resolution (U.S. Institute) convened the meeting at 3:30 p.m., Wednesday, April 25. Mike introduced himself and reviewed the meeting agenda (Appendix A). For a list of Attendees see Appendix B.

The first order of business was to seek the Drafting Team's endorsement of the proposed MRRIC Planning Group Co-Chairs – Cheryl Chapman and John Thorson. Mike asked the Drafting Team if they had any concerns about endorsing them as the Co-Chairs. Among the concerns and questions articulated by the Drafting Team members were:

- 1) Why do we need Co-Chairs and facilitators? What are their distinctive roles?
- 2) The MRRIC Federal Working Group selected the Co-Chairs without involvement of the MRRIC Planning Group. The process so far seems to be driven from the top down.
- 3) If the Co-Chairs exhibit any biases – how would they be removed?
- 4) If the Drafting Team endorses the Co-Chairs absent the Missouri stakeholders, will it have to revisit the endorsement when and if Missouri joins the process?
- 5) John Thorson's views as expressed in his writings which articulate his vision for managing the Missouri River may indicate a bias.

Mike Eng responded to the questions raised and then asked Cheryl Chapman and John Thorson to join meeting so they could also respond to the issues that were raised. In regard to item #1, John Thorson indicated that the Federal Working Group identified, in their "Framework" document, that leadership was essential if this endeavor was to be successful. In providing leadership, the Co-Chairs would help the MRRIC Planning Group coalesce around a shared vision that would be reflected in the Charter and they would help the Drafting Team "regroup" if it began losing focus on developing a Charter. John Thorson went on to say that in his opinion, the Co-Chairs are meant to be "detached" from the eventual outcome – that is, they would not be advocates for any position. They will serve as liaisons between the Planning Group, the facilitators and the U.S. Institute. Cheryl interjected by saying that the U.S. Institute, the Co-Chairs and the selected facilitator team will be working on clarifying roles once the facilitation team is selected. She explained her view that the facilitation team will be working in a supportive role (e.g., as staff) for the Planning Group in developing draft agendas, etc. The Co-Chairs would be closely aligned with the Planning Group to ensure the process moves forward. She asked for flexibility and patience from the Drafting Team members until the facilitator team is selected. Then they and the Co-Chairs would be meeting with the Institute to clarify roles and specific responsibilities.

In response to item #5, John Thorson explained that the publication in question, River of Promise, River of Peril?, was his doctoral dissertation and that some of the examples he studied for his dissertation had a strong focus on "institution building" related to the management of river systems. In contrast, the MRRIC project relates to developing a Charter to address membership in MRRIC and the work plan for MRRIC. The Planning Group process will not address permanent institutional structures for managing the Missouri River. He went on to explain that as a judge for the last 17 years, his job has been to provide a fair and neutral forum for parties to resolve disputes. In that role, he has insisted on good processes, complying with court rules and ensuring parties go away feeling that they have been dealt with fairly. This is the approach he would play as Co-Chair the MRRIC Planning Group.

A Drafting Team member asked that the criteria used by the Federal Working Group to select the proposed Co-Chairs be sent to the Planning Group.

Cheryl Chapman and John Thorson were asked about the issue of transparency. Cheryl responded that this was an issue that needed to be discussed and worked out by the Planning Group. John recommended

that as the Planning Group develops its Operating Protocols, it should include a requirement that the Federal Working Group provide the information needed by the Drafting Team to proceed in developing the Charter.

In addressing item #3, a Drafting Team member asked what steps would be taken if there was a perception of bias on behalf of the Co-Chairs. Support was expressed for Mike Eng's recommendation regarding how to address concerns that may arise about potential bias: 1) take concerns directly to the Co-Chair(s); 2) if not adequately addressed by the Co-Chair(s), take concerns to the whole Planning Group; 3) if not adequately addressed by the Planning Group, take it to the U.S. Institute; and 4) if not adequately addressed by the Institute, take it to the Federal Working Group and request possible removal of the Co-Chair(s). John agreed that this phased approach seemed reasonable. Both John and Cheryl articulated their goal to be fair and impartial throughout the process and that if they conducted their roles in an unfair, biased way, they should be removed. The proposed Co-Chairs were then asked again to leave the meeting.

Regarding item #4 – whether endorsement of the Co-Chairs today would need to be revisited if the state of Missouri and Missouri stakeholders decided to participate in the MRRIC Planning Group process, Mike Eng indicated that he had consulted with some of the Missouri stakeholders and explained to them that some decisions would be made at the April 25th meeting. The indication from Missouri was that they would be prepared to live with the decisions made. Mike further stated that the U.S. Institute will do everything it can to facilitate a meeting or meetings of the Co-Chairs and the Missouri stakeholders. Mike expressed his hope that Missouri would choose to join the Planning Group process before the next meeting of the Drafting Team and would therefore be able to participate in developing its Operating Procedures and Ground Rules.

Mike asked the Drafting Team members if any of them objected to endorsing the selection of John Thorson and Cheryl Chapman as Co-Chairs of the MRRIC Planning Group process. One member of the Drafting Team voiced an objection, but was willing to step aside and abstain from the decision, provided there was a serious commitment to establishing a process in the Operating Procedures and Ground Rules for dealing with potential biases and to clarifying the roles and distinctions between the Co-Chairs and the facilitation team. Mike Eng responded that he was committed to ensure these concerns are addressed.

There being no further objections, Mike asked John and Cheryl to rejoin the meeting and assume responsibility for co-chairing the rest of the meeting.

Cheryl Chapman asked that everyone in the room introduce themselves and indicate their affiliations. Cheryl then asked Mike to introduce the next activity for the meeting – presentations on draft proposed preliminary Operating Procedures and Ground Rules for the MRRIC Planning Group process by the two facilitation teams.

Mike provided an overview of the facilitation team interviews that were conducted at the MRRIC Preliminary Drafting Team meeting on March 28 in Omaha, Nebraska. At that meeting, four facilitator team candidates were interviewed by Drafting Team members. Based on the feedback and the ranked preferences from Drafting Team members (including any indications that a team was “Unacceptable”), Mike analyzed the results and narrowed the candidate teams to two: 1) the team lead by Ruth Siguena; and 2) the team led by Mike Hughes. Mike explained that the U.S. Institute and the Federal Working Group were prepared at today's meeting to go forward with selecting a facilitation team for the MRRIC Planning Group process based on the Drafting Team's evaluation of each team's presentation and subsequent questions and answers. Each facilitation team would have an hour to make their presentation on draft proposed preliminary Operating Procedures and Ground Rules for the MRRIC Planning Group process and respond to questions and comments from the Drafting Team.

A Drafting Team member indicated an understanding that the Drafting Team would be selecting the facilitation team, and requested to see the rankings for each of the four teams that were provided by the

Drafting Team at the March meeting in Omaha. Mike Eng responded that he was reluctant to share the rankings because of the potential impact of doing so could have on the four teams' professional reputations. He explained his method for scoring the teams, which included calculating an aggregate score from the ranked preferences, determining the standard deviation for each team's score and considering the number of "Unacceptable" designations for each team. The two teams who were not selected had lower scores and more "Unacceptable" designations. He went on to explain that the comments provided by the Drafting Team members were meant to be the subjective reactions of the Drafting Team members, and therefore, it would not be fair to the teams not selected for those comments to be made public. However, he agreed to ask the Institute's Contracting Officer to check into the legality of releasing this information to the Drafting Team. Mike also expressed his willingness to meet with any Planning Group member one-on-one to further explain the method used for determining the two facilitator team finalists.

Following this discussion, the facilitator team comprised of Mike Hughes, Jody Erickson (both on the phone), Todd Bryan and Ed Moreno, presented their draft proposed Operating Procedures and Ground Rules. Their proposal had been previously sent to the Drafting Team prior to the meeting. Copies were made available to anyone who had not received it. Todd Bryan led off the presentation. Ed Moreno, Mike Hughes and Jody Erickson, in turn, assumed the lead for various portions of the presentation.

Following the presentation, Drafting Team members asked questions and provided comments, to which different members of the Mike Hughes-led team responded. The team then distributed a binder titled "Charter Starter," which was described as "our initial thoughts about what the Planning Group would need to begin thinking about what a charter would look like." The binder included numerous sample charters from other processes.

After the presentation by the Mike Hughes-led team, Ruth Siguenza's team comprised of Ruth, Karen Amen, Steve Miller and Lisa Behrns made their presentation. (Ruth explained that Martha Gilliland was not able to attend because she had a prior commitment as a member of the President's Council of Advisors on Science and Technology.) Ruth noted that her team's presentation would focus primarily on two things: 1) sharing their draft proposal for the MRRIC Planning Group's Operating Procedures and Ground Rules; and 2) sharing their ideas about the roles and expectations for individual members of the Planning Group, the group as a whole, and how her facilitation team would interact with people outside the group. Ruth and her team distributed a "Workbook for Consideration of Preliminary Draft Proposed Operating Procedures and Ground Rules" and discussed its contents with the assistance of a Power Point presentation. Throughout the presentation, Ruth and her team fielded questions from the Drafting Team. When asked what would be the two biggest challenges for the MRRIC Planning Group in developing a recommended Charter for MRRIC, Ruth answered: 1) clearly defining the purpose of MRRIC; and 2) identifying who needs to be at the table.

Many of the questions and concerns raised by the Drafting Team with each facilitation teams focused on: definitions of consensus; how to get to consensus; ensuring a fair, unbiased process; and the two teams' proposed processes for dealing with perceived or real biases. Other issues concerned how they would handle perceived conflicts of interest, identifying the roles each team members (e.g., the lead facilitator), and how to stay on schedule.

After breaking for dinner, John Thorson and Cheryl Chapman reconvened the meeting. They suggested that the Drafting Team begin evaluating both facilitation teams' performances by identifying their strengths and weaknesses, which were recorded on flip charts. Following this exercise, the Drafting Team was asked to individually complete a ranking sheet to indicate their preference between the two teams. The results indicated that 11 Drafting Teams members preferred the Mike Hughes-led team; and 11 members preferred the Ruth Siguenza-led team. In an effort to reach consensus among the Drafting Team on the facilitation team they would recommend be selected to the U.S. Institute, the members further discussed their reactions to the two facilitation teams and the reasons for their preferences. Subsequently, through a confidential balloting process, the Drafting Team indicated first whether or not they could support the selection of the Ruth Siguenza-led team or not. The same balloting process was then

conducted for the Mike Hughes-led team. More members of the Drafting Team indicated they would not support the selection of the Mike Hughes-led team. Consequently, the Co-Chairs asked the Drafting Team if there was anyone who could not live with recommending the selection of the Ruth Siguenza-led team. No one objected to this proposal. And so the team lead by Ruth Siguenza was selected to serve as the facilitators for the MRRIC Planning Group process. Drafting Team members requested that the U.S. Institute stipulate in its contract that Ruth serve as the team lead and attend each meeting of the Drafting Team.

Cheryl Chapman led the discussion about scheduling the next Drafting Team meeting. The group decided that the next meeting would be held June 19<sup>th</sup> (half-day) & 20<sup>th</sup> (full day) in Minneapolis, Minnesota.

Cheryl also asked the Drafting Team members whether they thought it would be appropriate for the Co-Chairs or others to speak to outside groups about the MRRIC Planning Group process. Some members expressed concerns about making these presentations because of the sensitive stage of development of the Planning Group process. Nothing should be done that might jeopardize its success. There was general agreement that guidance should be developed and included in the Operating Procedures and Ground Rules that will be adopted before authorizing anyone to make presentations on behalf of the Planning Group. Mike indicated that this kind of additional travel activity by the Co-Chairs was not currently funded in the Institute's budget and that therefore the federal agency funders of the process would need to be consulted to authorize it.

Mike Eng facilitated the last item of business for the meeting. He started by apologizing that when he reviewed the draft agenda at the beginning of the meeting, he had forgotten to mention an additional item that had just recently arisen he felt was important for the Drafting team to consider before adjourning for the evening. Mike explained that efforts are still being made to engage the participation of the State of Missouri and Missouri stakeholders in the MRRIC Planning Group process. Mike emphasized that implementation of workable solutions will be enhanced if all the states and stakeholders in the basin are part of the process of developing those solutions. Mike indicated that recent discussions with some Missouri stakeholders revealed that the remaining impediment to them making a commitment to participate appeared to be how the Planning Group would define and use consensus in the adoption its Operating Procedures and Ground Rules. Mike requested that before adjourning the meeting, the Drafting Team determine the decision rule it will use in adopting the group's Operating Procedures. Mike indicated he hoped that such a clarification would overcome what appeared to be the last remaining obstacle to Missouri's participation. A number of Drafting Team members expressed their discomfort in taking on this issue because it was not on the announced agenda and because of the lateness of the hour. Several Drafting Team members also discussed their concerns about proceeding with establishing a definition of consensus, including whether or not it would accomplish what it was intended to accomplish and whether Missouri stakeholders would reciprocate this good faith effort. Noting the reluctance of some members to consider the issue, Mike presented the Drafting Team with a proposed decision rule for their consideration. The Drafting Team members then made suggested improvements and refinements to the proposed language. After incorporated the changes, the Drafting Team approved by consensus the following decision rule for adopting their Operating Procedures and Ground Rules:

**“The Drafting Team will adopt its Operating Procedures and Ground Rules by consensus, meaning that all members of the Drafting Team can support or live with them.”**

Mike indicated he anticipates that the Federal Working Group would be conveying this decision by the Drafting Team in a follow-up letter to Governor Blunt of Missouri, in the hopes of securing their participation in the Planning Group process.

The meeting adjourned at 10:30 p.m.

## Appendix A

### Drafting Team and Review Panel Meeting

Hyatt Regency Crown Center  
2345 McGee Street  
Kansas City, MO

Wednesday, April 25

#### AGENDA

- 1:00 – 3:00 PM**      **Orientation to the MRRIC Planning Group Process**  
Benton Room A      (For those who did not attend Omaha meeting on March 28-29)
- 3:00 – 3:30 PM**      **BREAK**
- 3:30 – 4:00 PM**      **Welcome and Introductions**  
Empire Rooms AB
- 4:00 – 6:45 PM**      **Preliminary Draft Proposed Operating Procedures and Ground Rules  
for MRRIC Planning Group Process**
- Presentations by two final candidate teams being considered to facilitate MRRIC Planning Group process
    - Ruth Siguenza (Team Lead), Karen Amen, Martha Gilliland, Steve Miller, Lisa Behrns
    - Michael Hughes (Team Lead), Todd Bryan, Jody Erikson, Ed Moreno
- 6:45 – 7:00 PM**      **Public Comments**
- 7:00 – 8:00 PM**      **DINNER BREAK**  
Chouteau B      (Buffet dinner provided for MRRIC Planning Group members)
- 8:00 – 8:45 PM**      **Discuss and Select Facilitation Team**
- 8:45 – 9:00 PM**      **Determine Date and Location for Next Meeting of Drafting Team**
- 9:00 PM**              **ADJOURN**

**Questions:**      Pat Lewis: (520) 471-3310, cell  
Mike Eng: (520) 940-2320, cell

## Appendix B

### Attendees

#### Drafting Team

David Barfield	State of Kansas
Patrick Cassidy	Kansas City Board of Public Utilities
Gary Collins	Northern Arapaho Tribe
Jack Erickson	State of South Dakota
Thomas Graves	Mid-West Electric Consumers Association
David Johnson	Garrison Diversion Conservancy District
Jack Majeres	Moody County Conservation District
Vicki Marquis	Missouri River Conservation Districts Council
Don "Skip" Meisner	State of Iowa
Larry Mires	St. Mary Rehabilitation Working Group
Lynn Muench	American Waterways Operators-Mid-Continent Region
Fred Ryckman	State of North Dakota
EuGene Saul	Santee Sioux Nation
Tom Schrempp	WaterOne
Stan Schwellenbach	City of Pierre
Jason Skold	The Nature Conservancy
Joe Smith	Standing Rock Sioux
Elizabeth Wakeman	Flandreau Santee Sioux Tribe
Bob Walters	Cheyenne River Sioux Tribe
Bob Williamson	City of Kansas City, Missouri
Gene Zuerlein	State of Nebraska

#### Review Panel

Mike Armstrong	WaterOne
Tim Bryggman	State of Montana
Richard Iverson	Conservation Districts (Montana)
Marian Maas	Nebraska Wildlife Federation
Deb Madison	Fort Peck Assiniboine and Sioux Tribes
Buzz Mattelin	Lower Missouri Coordinate Resource Management Council
Jodee Pring	State of Wyoming
Vicki Richmond	Missouri River Relief
Bill Smith	Waterfowl Association of Iowa

#### MRRIC Federal Working Group Representatives

Mike Collins	U.S. Bureau of Reclamation
Joe Cothorn	US. Environmental Protection Agency
Heather McSharry	U.S. Fish and Wildlife Service
Mary Roth	U.S. Army Corps of Engineers
Nicholas Stas	Western Area Power Administration

#### Others

Joel Ames	U.S. Army Corps of Engineers
John Chaffin	U.S. Department of the Interior
Cheryl Chapman	Planning Group Co-Chair
Storm Cunningham	Revitalization Institute
Mike Eng	U.S. Institute for Environmental Conflict Resolution
Craig Fleming	U.S. Army Corps of Engineers
Rose Hargrave	U.S. Army Corps of Engineers

Rob Jacobson	U.S. Geological Survey
Sue Jennings	National Park Service
Jennifer Johnson	U.S. Institute for Environmental Conflict Resolution
Douglas Kluck	NOAA/National Weather Service
Darin Larson	Bureau of Indian Affairs
Jane Ledwin	U.S. Fish & Wildlife Service
Pat Lewis	U.S. Institute for Environmental Conflict Resolution
Mike Mac	U.S. Geological Survey
Mike Olson	U.S. Fish & Wildlife Service
Steve Schaff	U.S. Environmental Protection Agency
John Seeronen	U.S. Army Corps of Engineers
Jay Slack	U.S. Fish & Wildlife Service
Robert Swanson	U.S. Geological Survey
John Thorson	Planning Group Co-Chair
Wayne Werkmeister	National Park Service
Rick Wilson	U.S. Geological Survey
Brian Yanchik	Federal Highway Administration
Margot Zallen	U.S. Department of the Interior

Materials Distributed:

- Draft Meeting Summary for March 27-28 meeting in Omaha
- Facilitation Team Proposals
- Meeting Agendas
- Final Framework for MRRIC