

Draft Meeting Minutes
Missouri River Recovery Implementation Committee
Planning Group Meeting
Denver, Colorado

November 28 and 29, 2007



Contents

Summary	1
Meeting Minutes.....	2
Day One: Tuesday, November 27, 2007	2
Meeting Opening and Introduction	2
Adoption of Meeting Minutes and Summary	3
Updates and Input from the Federal Working Group	3
Membership Discussion	4
Review Panel Input	5
Federal Agency Participation Language	5
Small Group Work.....	6
Small Group Report Out.....	6
Membership: Members and Alternates, Appointment, Terms of Office and Attendance	6
Preamble	6
Purpose and Scope	6
Membership: Roles and Responsibilities	6
Definitions.....	7
Consensus and Decision Making	7

Wrap Up	7
Day Two: Thursday, November 29, 2007	8
Meeting Opening	8
Charter Approval	8
Preamble	8
Purpose and Scope	8
Section a: Recommendations and Guidance on the WRDA Referenced Study	8
Section b: Recommendations and Guidance on the Existing Missouri River Mitigation and Recovery Plan	9
Section c: Stakeholder Considerations	9
Section d: Tribal Participation Language	9
Section e: State Participation Language	9
Convening Authority	9
Definitions	9
Charter Amendment	10
Membership and Representation of Interests	10
Federal Agencies.....	10
States.....	10
Tribes.....	10
Stakeholders.....	11
Appointment, Terms of Office, and Attendance	11
Terms	11
Term Limits	11
Vacancies.....	11
Stakeholder Qualifications.....	11
Alternate Members.....	11
Attendance.....	12
Roles and Responsibilities	12
Chair and Vice Chair.....	12
Paragraph a: Selection of Chair and Vice Chair.....	12
Paragraph b: Duties of the Chair.....	12
Paragraph c: Authority of the Chair	12
Paragraph d: Term of the Chair.....	12
Paragraph e: Duties of the Vice-Chair	13
Paragraph f: Vice-Chair and Dispute Resolution Process	13
Member and Alternate Responsibilities	13
Coordinating Sub-Committee.....	13
Working Groups and Sub-Committees.....	13
Independent Panels.....	13
Written Directives and Scope of Work	13
Staffing	13

General Committee Operations	13
Operating Procedures and Guidelines	13
Meetings	14
Communications, Record Keeping, Documents, and Reports	14
Open Meetings.....	14
Executive Sessions	14
Notice of Meetings.....	14
Communications Between Members, Including Internal Communications.....	14
Minutes and Approval of Minutes	14
Availability of Records	14
Assessment and Self Evaluation.....	15
Reports	15
Consensus and Decision Making.....	15
Paragraph 1: Committee’s Goal	15
Paragraph 2: Two Step Process	15
Paragraph 3: Restriction on Conveying Recommendations	15
Paragraph 4: Process for Inability to Reach Consensus.....	15
Paragraph 5: Federal Agency Endorsement of Recommendations	15
Paragraph 6: Official Federal Position	16
Reports, Work Plans, and Proposals	16
Budget and Finance	16
Paragraph 1: Funding for Committee Activities	16
Paragraph 2: Annual Funding Levels	16
Interactions Outside the Committee	17
Definitions (Continued).....	17
Consensus.....	17
Guidance.....	17
Lead Agency	17
Meeting.....	17
Participating Agency	18
Public Notice	18
Quorum.....	18
Recommendations	18
Stakeholder.....	18
Wrap Up	18
Appendix A: Draft Charter.....	19
Appendix B: Meeting Attendance on 11/28/07.....	35
Appendix C: Meeting Attendance on 11/29/07.....	37

Summary

The Planning Group for the Missouri River Recovery Implementation Committee (Committee) met in Denver, Colorado on Wednesday and Thursday, November 28 and 29, 2007, with the intent of completing the development of a recommended charter for the Committee.

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

During the morning of day one of the meeting, the Review Panel met independently to prioritize its comments and provide these priorities to the Drafting Team. While the Review Panel was meeting, the Drafting Team successfully developed federal agency participation language. The Review Panel returned and presented the results of its discussions to the Drafting Team.

Following the presentation by the Review Panel, the Drafting Team was divided into six, self-selected groups corresponding to sections of the Draft Charter. These groups were asked to consider all the feedback the Planning Group had received to date on the Draft Charter; and, based on this feedback, draft language for their assigned section to be presented to the full Drafting Team. This proposed language would be used on day two of the meeting as the basis upon which to reach consensus on a Draft Charter to present to the Secretary of the Army. The feedback to be considered by these teams included the results of the November 8, 2007, public workshops in Omaha, Nebraska; the results of the Web based public comment survey on the Draft Charter; Review Panel input; Federal Working Group comments; and the contributions of individual members of the public, Review Panel, and Drafting Team. The small groups successfully completed the review of all but one of the sections of the Draft Charter on day one, and were able to present their proposed language to the full Drafting Team. One section of the Draft Charter was inadvertently reviewed by two groups. For this section, the Drafting Team decided to use the current Draft Charter language as a basis for day two review.

On day two of the Denver meeting, the Drafting Team began consideration of the Draft Charter by section. The team was able to reach consensus on all sections of the Draft Charter with the exception of the Definitions section. See Appendix A for an annotated copy of this Draft Charter. The Drafting Team will hold a conference call in December to consider proposed definitions and complete work on the Draft Charter.

Meeting Minutes

The Planning Group for the Missouri River Recovery Implementation Committee (Committee) met in Denver, Colorado on Wednesday and Thursday, November 28 and 29, 2007, with the intent of completing the development of a recommended charter for the Committee.

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

Day One: Tuesday, November 27, 2007

Meeting Opening and Introduction

Co-Chair Cheryl Chapman called the meeting to order at 8:02 am. She reviewed the seating arrangements: the Drafting Team should be seated at the inner set of tables, and the Review Panel, Federal Working Group (FWG), and observers should be seated at the outer set of tables. Cheryl read Co-Chair John Thorson's opening remarks to the group.

Cheryl reviewed the plan and schedule for the day. She emphasized to the Drafting Team that the goal is to recommend a Draft Charter for the Committee to the Secretary of the Army. She clarified that forwarding a proposed Draft Charter to the Secretary of the Army does not mean that Drafting Team members are committing their states, tribes, or organizations to that Charter.

Cheryl also informed the group that she had accepted invitations to speak before two groups: the Missouri River Association of States and Tribes (MoRAST) and the Midwest Electric Consumers Association (MECA). She informed the team that as part of making preparations to speak before these groups, she checked with Mike Eng, of the U.S. Institute for Environmental Conflict Resolution (U.S. Institute), about authorization for travel reimbursement. Mike informed her that outreach activities and expenses were not within her scope of work or the U.S. Institute's scope of work. At Cheryl's request, Mike checked with the FWG about authorizing travel reimbursement for these activities. The FWG expressed concerns about maintaining the legitimacy of the Committee process if Cheryl were to speak before these groups. They were concerned that it would be difficult to make decisions in a fair and equitable manner as to which groups to speak to in the event a large number of speaking requests were received. If Cheryl spoke only to some groups and not others, it might create an appearance of favoritism. Cheryl informed MORAST and MECA of the FWG's concerns and the groups rescinded their invitations.

Some members of the Planning Group expressed displeasure over the FWG's actions regarding Cheryl's speaking invitations. The group pointed out that according to the Planning Group's Operating Procedures and Ground Rules, the Co-Chairs were authorized to speak on behalf of the Planning Group, and the Drafting Team had given its authorization for Cheryl to make these presentations. Some members of the Drafting Team indicated they felt that the FWG and the U.S. Institute were inappropriately interfering with the autonomy and stated wishes of the Drafting Team.

Ruth Nicholson Siguenza, the lead facilitator, reviewed the agenda for the day and asked Steve Miller, her co-facilitator, to review the contents of the bound copies that had been provided to each member. The agenda was adopted without change. Steve conducted a roll call in accordance with the Planning Group's Operating Procedures and Ground Rules and verified the presence of a quorum. The Review Panel, FWG members, and other observers were asked to introduce themselves.

Adoption of Meeting Minutes and Summary

Randy Asbury pointed out that there was a duplicate paragraph in the minutes. Karin Jacoby, a member of the Review Panel, commented that the Review Panel was dissatisfied in general with the way its input had been handled, not just with the change in meeting format in Kansas City as stated in the minutes.

The Drafting Team approved the minutes on the condition that the duplicate paragraph would be removed.

Updates and Input from the Federal Working Group

Larry Cieslik, of the U.S. Army Corps of Engineers (USACE), discussed with the group the effect of the passage of the Water Resources Development Act of 2007 (WRDA) on the USACE and its potential effects on the Drafting Team's work. He reported that the USACE is pleased with the team's work to date and that WRDA will not invalidate the Drafting Team's work. He explained to the team that in this situation, the USACE normally develops implementation guidance detailing how to implement the various provisions of new legislation. Since WRDA requires that the Committee be implemented within six (6) months, the time frame for developing this guidance is very short. He reported that the USACE is looking at providing some feedback on this implementation guidance to the Drafting Team in the late January-February time frame. This guidance will try to identify as many sideboards as possible.

Larry reported that it was going to be very difficult to provide any kind of compensation to Committee members since WRDA was very clear on that. He also commented that another problem is the current, proposed two-tier system of federal agency representation. He stated that if any federal agency objected to this provision, it might make approval of the proposed charter difficult.

Rosemary Hargrave, of the USACE, agreed with Larry and re-emphasized to the team that the USACE was planning to provide regular feedback to the Drafting Team as the Draft Charter progressed through the approval process.

The Drafting Team had questions concerning what type of input the USACE anticipated from the Committee. Larry reported that he anticipated that the Committee would look at all the recovery and water management actions in progress along the river and provide guidance to the USACE and any other agency that had actions along the river.

The team also expressed concern about the timeliness of the information on the side-boards that Larry mentioned and that they were going to be coming piecemeal. Other Drafting Team concerns were how the WRDA prohibition on travel reimbursement would affect the federal agencies and what the plan was to complete and bring closure to the Draft Charter development process. John Seeronen, of the USACE, reported that although the USACE has been directed not to provide interpretations of WRDA, his opinion is that the travel reimbursement provisions will not apply to the federal agencies. The Drafting Team, the U.S. Institute, and the USACE discussed the possibility of having a January or February meeting to get feedback on the Draft Charter, but no decision on a date was made at this meeting.

Membership Discussion

Following the FWG updates, the Review Panel left the room to conduct its meeting on the Draft Charter per the agenda. Ruth reviewed the sources of information provided to the Drafting Team on federal agency participation.

The Drafting Team had a lengthy discussion on federal agency participation. The two issues of greatest concern were the two-tier system of lead and participating agencies and the requirement for a lead agency to be represented by a Senior Executive Service (SES) level individual. With respect to the two tier system, the Drafting Team members were concerned that allowing all the agencies to participate fully would overwhelm the stakeholders' voices. The federal agency representatives were concerned about creating two classes of federal agency and with federal agencies having access to the process at their discretion when an issue affected them.

The discussion on SES level participation centered on the Drafting Team members' desire to have a policy level person present at the meetings to help ensure that Committee recommendations would be implemented. The federal agencies were concerned that it would be difficult to get an SES level person to attend meetings regularly if there were more than two to three meetings per year.

Jack Majeres, Jason Skold, Randy Asbury, and Pat Cassidy volunteered to draft new language regarding federal agency participation over lunch and present it to the Drafting Team.

Review Panel Input

At this point, the Review Panel returned and Vicki Richmond presented a summary of the panel's discussion to the Drafting Team. Since the Review Panel's meeting time was limited, Vicki reported that it had not focused on any specific area but had collected each panel member's first and second tier concerns.

The Review Panel was concerned that the Purpose and Scope section had become too narrow and suggested that a review of the provisions of this section against the requirements of WRDA should be done.

In the Definitions section, the panel suggested that the definition of *Stakeholder Issues* needed to be broadened, the difference between *advice* and *guidance* needed to be explained, a definition of *Stakeholder* needed to be added, the definitions of *Recovery* and *Restoration* needed work, and the definition of *Consensus* was too informal.

In the membership area, the panel had concerns over the member selection process, the number of stakeholder interest groups, and the two-tier federal agency participation system. The panel suggested that the Drafting Team consider going back to the original eight (8) stakeholder interest categories, separate *conservation* into its own category, and move away from the two-tier system for federal agencies.

In the Operations section, the Review Panel reported that budget and finance were discussed heavily. In addition, the question of SES level representation came up with a suggestion that the designated SES level person be allowed to appoint someone to sit in his or her stead. There were concerns about how Committee recommendations will be implemented and whether consensus can really work.

The meeting broke for lunch at noon.

Cheryl called the meeting back to order at 1:05 pm. She reviewed the plan for the afternoon and reminded the group that the afternoon work was to be done by the Drafting Team. Review Panel members would be observers.

Federal Agency Participation Language

Steve Miller projected on the screen the federal agency participation language developed over lunch. There continued to be concern over the feasibility of participation by SES level personnel.

Small Group Work

Ruth reviewed the plan for the afternoon. The Drafting Team would divide into small groups and each group would review a section of the Draft Charter. This review would involve reviewing the Web based public survey results, individual public comments, Review Panel comments, FWG comments if applicable, and the various versions of proposed Draft Charter language. The goal would be to reach agreement on language to present to the Drafting Team as a whole.

The Drafting Team decided to self-select membership in the groups.

Small Group Report Out.

Membership: Members and Alternates, Appointment, Terms of Office and Attendance

The membership group reported that it had made changes to the terms of office for the initial Committee members and clarified the application and selection process for members and alternates. The initial Committee members would have staggered terms, and alternates would apply using the same process as regular members. The Drafting Team was concerned about how vacancies for alternate members would be filled.

Drafting Team members also expressed concern that conservation organizations were not listed specifically in the list of stakeholder interests. The team reached consensus on adding this to the list. The team also discussed the possibility of adding language to the Draft Charter stating that a Committee member could only be removed for cause.

Preamble

The team discussed changing the phrase *public values* to *public concerns* but decided to leave it as *public values*.

Purpose and Scope

The Drafting Team expressed some concern that the Scope and Purpose section was now narrowly focused. The team also questioned why the disclaimer language for the states was added. There were also comments on the grammar and structure for this section.

Membership: Roles and Responsibilities

The Drafting Team discussed whether it was desirable to have a Chair and Vice-Chair selected from the Committee or appointed by the Secretary of the Army. The team also discussed the public notification requirements for Charter amendments and added this language to the Amendment section.

Definitions

The Drafting Team had a lengthy discussion on the definition of *mitigation*. There was a concern that the current definition in the Draft Charter did not reflect the definition of *mitigation* the Committee would be using. Other definitions that were discussed were *guidance*, *stakeholder*, *study*, and *plans*.

Consensus and Decision Making

This group recommended adding a requirement in the Reports, Work Plans, and Proposals section to require federal agencies to make other reports to the Committee as deemed necessary by the Committee; change the time frame for agency response to Committee questions to an agreed upon date; and include a statement that abstentions will not affect the presence of a quorum. In the Consensus section, this group also recommended that the Committee forward dissenting opinions to the USACE. This proposal was not approved by the Drafting Team.

In the Budget and Finance section, this group struck the independent fiscal agent language. The FWG commented that it might be problematic for federal agencies to release proposed budgets until they are approved by the Office of Management and Budget as budget requests from the executive branch.

Wrap Up

Ruth pointed out to the team that one section had inadvertently been reviewed by two separate groups. The result was that the General Committee Operations section, pages fifteen (15) and sixteen (16) of version twenty-nine (29), did not get reviewed. She suggested that for tomorrow, the version twenty-nine (29) language would be included in the consolidated charter language document the facilitation team was preparing that evening.

The meeting was adjourned at 5:30 pm.

Day Two: Thursday, November 29, 2007

Meeting Opening

Cheryl opened the meeting at 8:01 am and asked the group to take a few minutes to look at the proposed Draft Charter the facilitation team had put together based on yesterday's discussions. The Drafting Team discussion would begin at 8:15 am.

At 8:15 am, Cheryl introduced Ruth to conduct the business for the day. Ruth reminded the Drafting Team that the goal for the day was a Draft Charter to forward to the Secretary of the Army for approval. She verified that a quorum was present.

The Drafting Team expressed concern about completing the Draft Charter that day. There was a concern that the team would be endorsing something that might not be in accordance with the federal agency side-boards. The U.S. Institute commented that it expects there will be additional opportunities to look at the Charter as it moves through the review process. There was some discussion of what to label the Draft Charter. Labels such as *preliminary draft* were discussed, but no final decision was made.

Charter Approval

See Appendix A for an annotated copy of the Draft Charter. Appendix A also contains the Definitions section which currently does not have Drafting Team consensus.

Preamble

The Drafting Team commented on the grammar and suggested that if the abbreviated term for the Missouri River Recovery Implementation Committee was going to be *Committee* that it be applied to the Draft Charter starting with this section. They also changed the phrase *is establishing* to *hereby establishes*.

Given these changes, consensus was reached on the Preamble.

Purpose and Scope

The Drafting Team suggested that the section should have a lead in sentence.

Section a: Recommendations and Guidance on the WRDA Referenced Study

Consensus was reached on this section.

Section b: Recommendations and Guidance on the Existing Missouri River Mitigation and Recovery Plan

Consensus was reached on this section.

Section c: Stakeholder Considerations

The team wanted to be sure the numbers in this paragraph were parallel. The suggestion was made to include *transportation*, but the team decided that the phrase *and any other issues identified by the Committee* covered this.

Consensus was reached on this section.

Section d: Tribal Participation Language

The team wanted the asterisk removed and the typo on the Water Resources Development Act of 1999 corrected.

Given these changes, consensus was reached on this section.

Section e: State Participation Language

The Drafting Team pointed out the need to change the MRRIC acronym.

Given this change, consensus was reached on this section.

Ruth checked for consensus on the Purpose and Scope section. The Drafting Team reached consensus on the Purpose and Scope section.

Convening Authority

The Drafting Team discussed removing the phrase *as it may be amended*. Some team members were concerned that removing this phrase could result in the Committee not having a convening statute if WRDA 2007 was amended. Other members of the team pointed out that WRDA 2007 was the convening statute, even if it was amended. The team decided to delete the phrase.

Consensus was reached on this section.

Definitions

The Drafting Team discussed striking the term *Action Agency* from this section. However, it decided to defer action on this definition pending the outcome of the discussion on federal agency participation. There were several other definitions for which discussion needed to be deferred also. Due to this, the team decided to defer this section until all the other sections had been completed.

Charter Amendment

The team discussed the necessity of getting public input on any Charter amendment. Cheryl Chapman was tasked with developing some proposed language to incorporate this idea and presenting it to the Drafting Team. Cheryl returned with her language and the team discussed it. The final decision was to include a statement that public notice will be given and public input received before sending any proposed amendments to the Secretary for adoption.

Given these changes, consensus was reached on this section.

Membership and Representation of Interests

Federal Agencies

The team added a statement that the Secretary of the Army would maintain a list of the members of the Committee and another statement that requires federal agencies to submit documentation to the Secretary of the Army explaining their need to be involved in the Committee. The Drafting Team and FWG had a lengthy discussion of the requirement for lead agencies to be represented at the SES level. The agencies pointed out that this could be a difficult requirement to satisfy at times. The Drafting Team reiterated its concern that to function best, the Committee needed policy level people at the meetings. The decision was to keep this requirement.

Given the changes described above, consensus was reached on this section.

States

Consensus was reached on this section.

Tribes

Mary Roth, USACE, pointed out that some of the names on the list of tribes were not the official names of the tribes and offered the help of the USACE tribal liaison to correct this.

Given this change, consensus was reached on this section.

Stakeholders

The Drafting Team discussed at length the relationship between the maximum number of twenty-eight (28) stakeholders and the number of listed interest groups which was now sixteen (16) with the addition of conservation interests. There was discussion of returning to the original eight (8) interest groups, but the team decided to leave this section as it currently stood.

Consensus was reached on this section. Tom Graves elected to abstain from the determination of consensus for this section.

Appointment, Terms of Office, and Attendance

Terms

Consensus was reached on this section

Term Limits

The team had some questions about members serving partial terms but made no changes to this section.

Consensus was reached on this section

Vacancies

The team changed the title of this section to *Stakeholder Member Appointments and Vacancies*.

Consensus was reached on this section.

Stakeholder Qualifications

The Drafting Team changed the title of this section to *Stakeholder Application Qualifications*.

Consensus was reached on this section

Alternate Members

The Drafting Team added the requirement that an alternate member needs to be recommended by the stakeholder member.

Given this change, consensus was reached on this section.

Attendance

The team discussed whether or not the Committee would have the authority to terminate a member and whether there should be written provisions for excused absences in the Attendance section. The team also discussed including another provision allowing a member being considered for termination the opportunity to discuss his/her situation with the Committee. The decision was to recommend termination to the Secretary of the Army after giving the affected member an opportunity to respond.

Given these changes, consensus was reached on this section.

Roles and Responsibilities

Chair and Vice Chair

Paragraph a: Selection of Chair and Vice Chair

The Drafting Team was concerned that if the chair and vice-chair were selected from the Committee, it might be difficult for them to maintain an objective viewpoint. There was some discussion of hiring a chair and vice-chair. The team made no changes to the language of this paragraph.

Consensus was reached on this section.

Paragraph b: Duties of the Chair

Consensus was reached on this section

Paragraph c: Authority of the Chair

The Drafting Team decided to move the second sentence in paragraph c into paragraph b. The team also added a statement to paragraph c that the chair can not act in a lobbying position.

Consensus was reached on paragraph c with this change. Consensus was reached again on paragraph b with the new change.

Paragraph d: Term of the Chair

The team decided to consolidate paragraph g, *Term of the Vice-Chair*, with paragraph d. The Drafting Team was concerned with how to address a non-performing chair or vice-chair. It decided to add a sentence to this section that states that the chair and vice-chair will serve or be removed with the consensus of the Committee.

Given these changes, consensus was reached on this section.

Paragraph e: Duties of the Vice-Chair

Consensus was reached on this section.

Paragraph f: Vice-Chair and Dispute Resolution Process

The Drafting Team reached consensus on deleting this paragraph.

Member and Alternate Responsibilities

The team discussed moving this section to the operating procedures but decided to retain it in the Charter.

Consensus was reached on this section.

Coordinating Sub-Committee

The Drafting Team reached consensus on deleting this section.

Working Groups and Sub-Committees

The facilitation team informed the Drafting Team that it would renumber all the sections since the deletion of some sections has changed the numbering.

Consensus was reached on this section.

Independent Panels

Consensus was reached on this section.

Written Directives and Scope of Work

Consensus was reached on this section.

Staffing

The Drafting Team discussed including the requirement for an independent note-taker in this section but determined that requirement could be included in the Minutes section.

Consensus was reached on this section.

General Committee Operations

Operating Procedures and Guidelines

Consensus was reached on this section.

Meetings

The FWG expressed concerns that it might have difficulty actually holding the first meeting of the Committee by May 9, 2008. The team changed this section to state the first meeting will be established by May 9, 2008.

Given this change, consensus was reached on this section.

Communications, Record Keeping, Documents, and Reports

Open Meetings

Consensus was reached on this section.

Executive Sessions

The team discussed whether the Committee would need an executive session provision and if notes should or should not be taken. Ultimately the team decided to remove the sentence concerning notes and leave the provision in the Draft Charter.

Given this change, consensus was reached on this section.

Notice of Meetings

Consensus was reached on this section.

Communications Between Members, Including Internal Communications

Consensus was reached to delete this paragraph.

Minutes and Approval of Minutes

The Drafting Team decided to add the word *independent* to the description of the note-taker.

With this change, consensus was reached on this section.

Availability of Records

The team decided to add the phrase *except as provided by law* to the availability of records section. With this change, consensus was reached on this section.

Assessment and Self Evaluation

The Drafting Team discussed whether this section was necessary and decided it was needed to provide the public and others with information on what the Committee was doing.

Consensus was reached on this section.

Reports

Consensus was reached on this section

Consensus and Decision Making

Paragraph 1: Committee's Goal

The Drafting Team had two versions of paragraph one (1) to consider and decided to use the paragraph on page fifteen (15) of the handout for the Draft Charter and cite the section applicable to federal agency participation.

Consensus was reached on this section.

Paragraph 2: Two Step Process

Consensus was reached on this section

Paragraph 3: Restriction on Conveying Recommendations

The Drafting Team reached consensus on removing this paragraph.

Paragraph 4: Process for Inability to Reach Consensus

Consensus was reached on this section.

Paragraph 5: Federal Agency Endorsement of Recommendations

The Drafting Team again had two paragraphs to consider and decided to use the paragraph on page sixteen (16) of the handout for the Draft Charter. This paragraph deleted the *otherwise implemented* phrase and changed the firm time frame to *an agreed upon date*.

Consensus was reached on this section.

Paragraph 6: Official Federal Position

The team also had two paragraph sixes (6) to consider and decided to go with the paragraph on page sixteen (16). This paragraph changed the firm date to *an agreed upon date*.

The team also decided to create a new paragraph on abstentions under this section.

Consensus was reached on paragraphs six and the new paragraph on abstentions.

At this point in time, the USACE asked to revisit Paragraph b: *Duties of the Chair*, under the Roles and Responsibilities section. The concern was that allowing the Chair to represent the Committee's views to elected officials might be overstepping the Committee's bounds and could be seen as lobbying. The Drafting Team commented that this provision was just to allow the Chair to discuss the purpose and scope of the Committee and to convey recommendations. The team believed this did not violate the provisions of WRDA or constitute lobbying.

Reports, Work Plans, and Proposals

The Drafting Team discussed whether tributary activities should be included in these reports, the frequency of the reports, and what kind of financial reports should be required. In addition, the team decided to add another paragraph to this section to allow the Committee to ask for other reports as it deems necessary.

Consensus was reached on this section.

Budget and Finance

Paragraph 1: Funding for Committee Activities

Based on feedback from the USACE, the Drafting Team deleted the sentence that requires the Committee to determine the adequacy of funding. The team also shortened the paragraph on preparation of technical information, and re-worded the introductory sentence for this section.

Given these changes, consensus was reached on this section.

Paragraph 2: Annual Funding Levels

The Drafting Team revised this section to require developing an annual budget in consultation with the USACE.

Given these changes, consensus was reached on this section.

Interactions Outside the Committee

The Drafting Team decided to require the USACE to maintain a Web site as a clearinghouse for Committee related information.

Consensus was reached on this section.

Definitions (Continued)

At this point in time, the Drafting Team returned to the Definitions section having reached consensus on all the other sections of the Draft Charter.

A Drafting Team member suggested that the definitions for *adaptive management*, *recovery*, *mitigation*, and *restoration* be deleted since they are not necessary to understand the Draft Charter. Another Drafting Team member requested that they be kept in the Draft Charter. The suggestion was made that these definitions be left in the Draft Charter as placeholders and the team requested that the USACE develop proposed definitions. The USACE agreed to this. The Drafting Team then asked the USACE also to define the terms *plan* and *study* as used in the WRDA legislation.

The team decided to delete the definitions of *action agency* and *meeting day*.

At this time, some of the primary Drafting Team members had to leave to catch flights. Alternates from the Review Panel stepped in to maintain quorum requirements and the Drafting Team began reviewing the definitions.

Consensus

The team decided to add the clarifying phrase *all non-federal members of the committee*.

Given this change, consensus was reached on this definition.

Guidance

The team changed the word direct to the word inform.

Given this change, consensus was reached on this definition.

Lead Agency

Consensus was reached on this definition.

Meeting

Consensus was reached on this definition

Participating Agency

Consensus was reached on this definition

Public Notice

Consensus was reached on this definition.

Quorum

Consensus was reached on this definition.

Recommendations

Consensus was reached on this definition.

Stakeholder

The Drafting Team proposed several definitions for this but decided to leave it as a placeholder and have the USACE propose a definition.

The Drafting Team did not have time to discuss or gain consensus on the last two definitions: *Stakeholder Issues* and *Substantive Issues*.

Wrap Up

At this time, the Drafting Team began discussing next steps. There was discussion with the USACE on how changes to the recommended Charter would be communicated and whether the Drafting Team would get a chance to see any changes and consider them. The USACE reported that, at this point in time, it did not see any show stoppers in this Draft Charter. There was discussion of a possible meeting in January or March.

The Drafting Team also discussed what to do with the Draft Charter. Cheryl suggested that the team could either send out the current version of the Draft Charter or schedule another meeting or conference call to finish it.

The Drafting Team suggested that possibly the Definitions section could be finished via an e-mail exchange. Cheryl suggested an e-mail exchange and a conference call.

The facilitation team was tasked with preparing a cleaned up version of the Draft Charter for the conference call, the USACE was tasked with developing definitions for *adaptive management*, *mitigation*, *recovery*, *restoration*, *stakeholder*, and the *plan* and *study* referenced in WRDA. A conference call to consider the definitions and the Draft Charter will be scheduled.

The meeting adjourned at 4:35 pm.

Appendix A: Draft Charter
Planning Group Process to Develop
The
Missouri River Recovery Implementation Committee Charter
Missouri River Recovery Implementation Committee
DRAFT Charter - v31
December 7, 2007

Note: Although consensus was reached on the various individual sections and subsections of this Draft Charter as described below, the Drafting Team has not yet come to agreement on this document as a whole.

Preamble: *(Consensus was reached on this section as it appears below at the November 2007 meeting in Denver, Colorado.)*

The Secretary of the Army hereby establishes the Missouri River Recovery Implementation Committee (Committee) as authorized by Section 5018 of the 2007 Water Resources Development Act (WRDA) to make recommendations and provide guidance on a study of the Missouri River and its tributaries, and on the existing Missouri River recovery and mitigation plan. The Committee will provide a collaborative forum for the basin to come together and develop a shared vision and comprehensive plan for Missouri River recovery. The Committee will help guide the prioritization, implementation, monitoring, evaluation, and adaptation of recovery actions. The Committee will include broad stakeholder representation to ensure a comprehensive approach to Missouri River recovery implementation while providing for congressionally authorized Missouri River project purposes, and to ensure that public values are incorporated into the study and the recovery and mitigation plans.

1) Purpose and Scope: *(Consensus was reached at the November 2007 meeting in Denver, Colorado on all the individual subsections of this section as they appear below.)*

- a) The Purpose and Scope of the Committee are to:
 - i) Provide recommendations and guidance on a study of the Missouri River and its tributaries to determine actions required to:
 - (1) Mitigate losses of aquatic and terrestrial habitat
 - (2) Recover federally listed species under the Endangered Species Act of 1973

- (3) Restore the ecosystem to prevent further declines among other native species
- ii) Provide guidance with respect to the existing Missouri River mitigation and recovery plan, including recommendations on:
 - (1) Changes to the implementation strategy as a result of adaptive management
 - (2) Coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the Missouri River recovery and mitigation plan
 - (3) Establishment of such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues
 - (4) Facilitation of the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation plan
 - (5) Coordination of scientific and other research associated with the Missouri River recovery and mitigation plan
 - (6) Preparation of an annual work plan and associated budget
 - iii) Provide recommendations and guidance that will include:
 - (1) Recognition of local stakeholders' social and economic, historical and cultural, flood control, irrigation, agriculture, internal drainage, water supply, water quality, navigation, hydropower, thermal power, science, natural resources, conservation, and recreation issues, and any other issues identified by the Committee
 - (2) Identification of impacts to stakeholders
 - (3) Identification of actions that will benefit multiple uses of the river
 - (4) Avoidance, minimization, and/or mitigation of adverse impacts

- b) The Committee does not substitute for nor replace executive orders related to tribal consultation such as: Executive Order 13175, Tribal Consultation; any federal agency's trust responsibilities to a federally recognized tribe in the Missouri River Basin or a tribe that has historically been on the Missouri River; and/or replace any treaty right thereof such as: the Treaty of Ft. Laramie, 11 Stat. 749 (Sept 17, 1851); the Treaty of Ft. Laramie, 15 Stat. 635 (April 29, 1868); Title VI-Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act of the Omnibus Consolidated and Emergency Appropriations Act of 1999, PL 105-277, 112 Stat. 2681, 2861-660-670 (October 21, 1988), as amended by Title IV of the Water Resources Development Act of 1999, PL 106-53, 113 Stat 269, 385-397 (August 17, 1999), and as otherwise amended; and any other treaty or right. Cooperation with the federally recognized tribes engaged in this process should be interpreted as "in good faith."
- c) Participation in the Committee by State, Tribal, or Federal entities does not limit their discretion; alter, affect, impair, delegate, or relinquish their statutory or other legal rights and responsibilities, including any right to legal remedies; or otherwise waive their sovereign immunity under applicable law; create any new right to any type of administrative review or create any new right to judicial review or any other right or benefit, substantive or procedural, enforceable by or against these entities or any other stakeholder participating in the Committee; and affect Tribal reserved water rights, treaty rights, or water rights administered by the Tribes and/or States. If the processes and procedures of the Committee would impede the implementation of any action for which agencies of the States, Tribes, or United States are obligated under law, that agency reserves the right to proceed with fulfilling those obligations in such manners as it may deem appropriate. Participation in the Committee by State, Tribal, or Federal entities is also contingent upon availability of funding or appropriation by appropriate State, Tribal, or Federal authorities, and their participation does not obligate any specific amount of expenditures in furtherance of this Charter; such expenditures being at the discretion of the State, Tribal, or Federal entity.

2) Convening Authority: *(Consensus was reached at the November 2007 meeting in Denver, Colorado on this section as it appears below.)*

The Committee is convened under the authority of Section 5018 of the Water Resources Development Act of 2007.

3) **Definitions - Glossary of Terms and Acronyms (Consensus was not reached on this section as a whole at the November 2007 meeting. However, consensus was reached on the definitions of those individual terms that appear in blue below. The terms appearing in red below did not have agreement following the November 2007 meeting.)**

- a) **Adaptive Management:** PLACE HOLDER.
- b) **Consensus:** All non-Federal members of the Committee can support or live with an action or recommendation when quorum requirements are met.
- c) **Guidance:** The process by which recommendations are used to inform appropriate agencies about Missouri River recovery-related activities.
- d) **Lead Agency:** The U.S. Fish and Wildlife Service (USFWS), the U.S. Army Corps of Engineers (Corps of Engineers), and other agencies as necessary for specific issues.
- e) **Meeting:** A gathering of the Committee lasting one or more partial or full days.
- f) **Mitigation:** PLACE HOLDER
- g) **Participating Agency:** Federal agencies involved in the Committee process other than the USFWS or Corps of Engineers unless designated as a lead agency for a specific issue.
- h) **Public Notice:** Notice given to members of the public at least thirty (30) days prior to an event. It shall include but not be limited to written notice given by e-mail and by regular mail to:
 - (1) All members of interest groups who shall sign up to receive notice
 - (2) Persons who have been designated by members of the Committee to receive notice
 - (3) Newspapers and radio stations generally covering the basin and to four
(4) specific newspapers recommended by members of the Committee
- i) **Quorum:** A quorum shall consist of those Committee state representatives and those Committee tribal representatives who are present at the meeting and 51% of the other stakeholders who are at the time appointed to the Committee.
- j) **Recommendations:** Official suggestions, comments, or advice representing the consensus of the Committee and provided to the appropriate governmental or non-governmental agencies, groups, or persons.
- k) **Recovery:** PLACE HOLDER.

- l) **Restoration:** PLACE HOLDER.
 - m) **Stakeholder:** PLACE HOLDER.
 - n) **Stakeholder Issues:** This phrase shall encompass the following areas: social and economic, historical and cultural, flood control, irrigation, agriculture, internal drainage, water supply, water quality, navigation, hydropower, thermal power, science, natural resources, conservation and recreation, and any other areas identified by the Committee. *(Note: The Drafting Team has not yet come to consensus on this definition)*
 - o) **Substantive Issue:** An issue for which the Committee is considering developing recommendations, and other significant decisions or procedures (i.e. adopting minutes, adopting operating procedures, inviting participating agencies to temporarily become a lead agency, election of chair and vice chair). *(Note: The Drafting Team has not yet come to consensus on this definition.)*
- 4) **Charter Amendment** *(Consensus was reached on this section at the November 2007 meeting in Denver, Colorado as it appears below.)*

The Committee may propose amendments to the Charter in accordance with its decision making process. Public notice will be given and public comments will be received prior to the Committee recommending the amendment to the Secretary of the Army for final adoption.

- 5) **Membership and Representation of Interests:** *(Consensus was reached at the November 2007 meeting in Denver, Colorado on all the individual subsections of this section as they appear below.)*
- a) **Members and Alternates**
 - i) The Secretary of the Army will maintain a list of the members and alternates of the Committee.

ii) Federal Agencies

- (1) Federal agencies with programs affecting the Missouri River may be members of the Committee. Federal agency membership may include those agencies currently represented on the Missouri River Basin Interagency Roundtable (MRBIR) and any other federal agency designated by the Secretary of the Army. This includes federal agencies with management responsibilities, jurisdiction by law, regulatory authorities, technical expertise, and/or resource responsibilities affecting the Missouri River. To initiate the Committee, the lead agencies will be the U. S. Army Corps of Engineers and the U. S. Fish and Wildlife Service. Participating federal agencies may include the Bureau of Reclamation, Natural Resource Conservation Service, Environmental Protection Agency, Western Area Power Administration, United States Geological Survey, Maritime Administration, the National Park Service, and any other agency designated by the Secretary of the Army.
- (2) Federal agencies will not be counted for purposes of Committee quorum requirements and will not participate in the determination of consensus recommendations.
- (3) Federal agencies will submit to the Secretary of the Army documentation of their agency's interest in the Committee explaining why they need to be involved and designating a representative to the Committee.
- (4) Lead Federal Agencies will be represented on the Committee by officials at the Senior Executive Service (SES) level or their deputies. Lead Federal Agency representatives will participate fully and completely in all Committee meetings and any sub-committees or panels formed by the Committee.
- (5) Participating Federal Agencies will be represented by officials appointed by their respective agencies. These representatives will be available to answer questions, provide information, and state their opinions and recommendations at Committee meetings (including any sub-committees and panels) on recommendations directly affecting the Participating Federal Agency's management or resource responsibilities, jurisdiction by law, or regulatory authorities.
- (6) Participating Federal Agencies will be able to participate temporarily as a Lead Agency, at the SES or their deputy level, when any issue being discussed or considered by the Committee could directly affect the Participating Federal Agency's management or resource responsibilities, jurisdiction by law, or regulatory authorities.

iii) States:

(1) The following states are eligible for membership in the Committee. For those states that choose to participate, the governor shall appoint one (1) representative and one (1) alternate.

- (a) Iowa
- (b) Kansas
- (c) Missouri
- (d) Montana
- (e) Nebraska
- (f) North Dakota
- (g) South Dakota
- (h) Wyoming

iv) Tribes:

(1) The following tribes are eligible for membership in the Committee. Those tribes that choose to participate will appoint one (1) representative and one (1) alternate in accordance with tribal procedures.

- (a) Ft. Peck Assiniboine and Sioux Tribes
- (b) Blackfeet Tribe
- (c) Cheyenne River Sioux
- (d) Chippewa Cree Tribe
- (e) Crow Creek Sioux Tribe
- (f) Crow Nation
- (g) Eastern Shoshone Tribe
- (h) Flandreau Santee Sioux Tribe
- (i) Ft. Belknap Indian Community

- (j) Iowa Tribe of Kansas and Missouri
- (k) Kickapoo Tribe of Indians
- (l) Lower Brule Sioux Tribe
- (m) Northern Arapaho Tribe
- (n) Northern Cheyenne Tribe
- (o) Oglala Sioux Tribe
- (p) Omaha Tribe of Nebraska
- (q) Ponca Tribe of Nebraska
- (r) Prairie Band of Potawatomi Nation
- (s) Rosebud Sioux Tribe
- (t) Sac and Fox Nation of Missouri in Kansas and Nebraska
- (u) Santee Sioux Nation
- (v) Sisseton - Wahpeton Sioux Tribe
- (w) Spirit Lake Sioux Tribe
- (x) Standing Rock Sioux Tribe
- (y) Three Affiliated Tribes
- (z) Turtle Mountain Band of Chippewa
- (aa) Winnebago Tribe of Nebraska
- (bb) Yankton Sioux Tribe

v) Stakeholders:

(1) There will be a maximum of twenty-eight (28) stakeholder members, broken down into the interests below. Each interest shall have a maximum of two (2) representatives and two (2) alternates.

- (a) Navigation
- (b) Irrigation
- (c) Flood Control
- (d) Fish and Wildlife
- (e) Recreation
- (f) Water Quality
- (g) Water Supply
- (h) Agriculture
- (i) Conservation Districts
- (j) Waterway Industries
- (k) Major Tributaries
- (l) Thermal power
- (m) Hydro power
- (n) At large/other interests, e.g. cultural and historic preservation
- (o) Local Government
- (p) Environmental/conservation organizations

(2) Appointment, Terms of Office, and Attendance

(a) Terms:

The standard Committee appointment will be for a term of three years. At the first organizational meeting of the Committee, through a random drawing, one-third of the stakeholders will be appointed to a one-year term. Another third will be appointed to a two-year term. The final third will be appointed to a three-year term. This provision applies to the initial terms of the founding Committee members. Thereafter, all terms will be three years.

(b) Term Limits:

There will be no limit to the number of terms a member may be appointed to serve.

(c) Stakeholder Member Appointments and Vacancies:

Stakeholder vacancies will be published in the Federal Register and public notice will be given and broadly disseminated within the Missouri River basin by the U.S. Army Corps of Engineers. Interested parties will submit applications to the Secretary of the Army. Applications from interested parties will be forwarded to the Committee for the purpose of providing a recommendation of appointment following its decision-making process. For the initial appointments, the Planning Group will provide recommendations to the Secretary.

(d) Each year the Committee will forward a list of those stakeholder members whose terms will expire and those who wish to remain on the Committee. Incumbent members wishing to remain on the Committee do not need to re-submit an application to the Secretary of the Army. Members may continue to serve until the Secretary appoints a replacement.

(e) Stakeholder Application Qualifications:

Stakeholders will demonstrate they represent an interest in the Missouri River basin.

(f) Alternate Members:

Alternates will apply in the same manner as stakeholder members and will be recommended by the stakeholder member. Upon appointment, the alternate will serve during the temporary absence of the member. In the instance of the permanent absence of the member, the alternate will fill the remainder of the term.

(g) Termination:

If a member and their alternate are not in attendance at two consecutive meetings, the committee may recommend termination of that member and alternate to the Secretary of the Army after giving notice to the affected parties and giving them the opportunity to respond. The Secretary of the Army will be notified of the vacancy. A member or alternate will notify the Chair if they are no longer able to serve.

b) Roles and Responsibilities, Including Leadership and Staffing

i) Chair and Vice-Chair

- (1) The Committee shall select a Chair and Vice Chair who may be a member of the Committee. The Chair will be responsible for protecting the interests of all Committee members and alternates. S/he will act in a fair and balanced manner with respect to the Committee's operation and the conduct of Committee meetings. The Chair will strive to determine the views of all Committee members regarding Committee advice and work to achieve consensus.
- (2) The Chair will be responsible for running Committee meetings, including opening, enforcement of operating rules, and adjournment. The Chair may call a meeting subject to the public notification procedures of the Committee. The Chair will be responsible for collaboratively developing meeting agendas and reviewing draft meeting minutes and summaries for accuracy and completeness.
- (3) The Chair shall have the authority to represent the scope and purpose of the Committee and convey the consensus decisions of the Committee to agencies, elected officials, and in public settings, but shall not act in a lobbying capacity.
- (4) The Chair and Vice Chair will serve or be removed with the consensus of the Committee. The term of office of the Chair and Vice Chair will be one (1) year, with the opportunity for reappointment for no more than three (3) additional terms of one (1) year each. Should a Committee member believe the Chair and/or Vice Chair are not performing in a fair and balanced manner, it is the responsibility of the member to raise his/her concerns to the Chair or to the full Committee for consideration.
- (5) The Vice-Chair will assume the duties of the Chair in her/his absence.
- (6) The Chair and Vice-Chair shall be selected at the last meeting of the calendar year and assume office at the first meeting of each calendar year.
- (7) The Chair and Vice-Chair shall not be employees of the federal government.

ii) Member and Alternate Responsibilities

- (1) Members and alternates are expected to honor their commitment to seek consensus.
- (2) All members and alternates will be accurate and respectful with regard to their communications with others.

- (3) Members and their alternates will be responsible for representing the interests and concerns of the organizations, institutions, and constituencies they represent.
- (4) It is the affirmative responsibility of members and alternates to voice dissent if they cannot support or live with a recommendation. If a member objects to a recommendation, it is also his/her affirmative responsibility to articulate the reasons behind the objections and to provide an alternate proposal if possible.
- (5) Members and alternates are free to abstain from a determination of consensus for whatever reasons. However, it is the responsibility of each member and alternate to affirmatively state his or her desire to abstain from participating in a determination of consensus if she/he so chooses. Abstentions will not affect the membership requirements of a quorum.
- (6) Members and alternates will adhere to the Committee's charter, operating procedures, and ground rules. They are expected to give due consideration to the procedural guidance and recommendations of the Chair.

iii) Working Groups and Subcommittees

The Committee may create special work groups or sub-committees as necessary to accomplish its purposes. These may include individuals not on the Committee.

iv) Independent Panels

The Committee may convene independent panels to advise the Committee on substantive issues. Members of these panels may be compensated for their services.

v) Written Directives and Scopes of Work

Prior to commencing work, the Committee will provide each working group, sub-committee, and independent panel a written directive that outlines its purpose and tasks, as well as specifies its members, their roles and responsibilities, the expected work products, and the specific time frames for reports and completion of the group's work.

vi) Staffing

The Secretary of the Army will provide the necessary support staff to the Committee, including but not limited to: office support, travel and meeting coordination, facilitation, minutes/note taking, and other duties the Committee may determine are necessary to conduct its business.

6) **General Committee Operations** (*Consensus was reached at the November 2007 meeting in Denver, Colorado on all the individual subsections of this section as they appear below.*)

a) **Operating Procedures and Guidelines**

The Committee will develop a set of operating procedures and guidelines to set forth in detail how it shall conduct meetings and accomplish the requirements of this charter.

b) **Meetings**

Meeting frequency and location

- (1) The first meeting of the Committee will be established by the Secretary of the Army or his/her designee on or before May 9, 2008.
- (2) The Committee will meet a minimum of two (2) times per year and will determine meeting dates and locations.

c) **Communications, Record Keeping, Documents, and Reports**

i) **Open meetings**

Except as provided herein, each Committee meeting will be open to the public. Interested persons shall be permitted to attend, offer public comment, or file statements with the Committee.

ii) **Executive sessions**

The Committee may call an executive session that is closed to the public upon the consensus of the members present. An executive session may only be called for legal, personnel, or property transfer issues directly pertaining to the Committee. Decision-making will be conducted during the open meetings.

iii) **Notice of meetings**

Public notice of each such meeting of the Committee will be given as provided for in the Operating Procedures.

iv) **Minutes and approval of minutes**

Detailed minutes of each Committee meeting will be kept by an independent, qualified note taker. These minutes and summaries of the minutes will be approved by the Committee in accordance with its decision making process.

v) Availability of records

Any records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by the Committee will be available for public inspection and copying, except as provided by law.

vi) Assessment and Self-Evaluation

The Committee will conduct a self-evaluation of its operations every year.

vii) Reports

The Committee will submit an annual report to the Secretary of the Army.

d) Consensus and Decision Making

i) Process

- (1) The Committee's goal is to reach consensus on all substantive issues brought before it. Federal Agency representatives may participate [per section 5(a)(ii)] in the discussion of all matters pending before the Committee and provide their opinions, input, and suggestions. The Committee will only make recommendations where there is a consensus. Federal agencies will not participate in the determination of the Committee's consensus recommendations.
- (2) Consensus recommendations will be made using a two-step process with information, discussion, proposal development, and tentative consensus at the first meeting and actions no sooner than the next meeting to assure adequate notification of and deliberations by Committee members and the interests they represent. Upon consensus of the Committee, the two-step process may be waived except for recommendations to federal and/or other agencies and charter amendments.
- (3) If consensus cannot be reached, the Chair and Vice Chair will designate a period of time to be set aside to address the issue during at least two different meetings. If consensus still cannot be reached, the meeting minutes will not characterize or quantify the level of support for the differing views.
- (4) Once consensus is reached on any recommendation, the Chair will ask the Lead Federal Agency representatives involved with the issue being considered whether they can endorse the recommendation. The Lead Federal Agencies will be requested to respond immediately to the Committee, if possible, or by an agreed upon date. Lead Federal Agency endorsement is not necessary for a consensus recommendation to be submitted to the appropriate government entity.

- (5) Once recommendations and guidance are delivered by the Committee to the Secretary of the Army, it is requested that s/he, in coordination with other participating Federal Agencies, agrees to provide the official federal position on the issue and outline the steps to implement the recommendations by an agreed upon date or provide the reason(s) for not implementing the recommendation.
- (6) Committee members are free to abstain from a determination of consensus. Abstentions will be recorded in the meeting minutes when requested by the individual who wishes to abstain.

e) Reports, Work Plans, and Proposals.

- i) The U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and other agencies selected by the Committee will provide at least annual, summary reports on Missouri River and tributaries recovery, mitigation, and restoration emphasizing the status of recovery activities for the pallid sturgeon, interior least tern, and piping plover. In addition to construction, monitoring, research and propagation activities, the annual summary reports will include:
 - (1) Number of pallid sturgeons, interior least terns, and piping plovers present in the various reaches of the basin
 - (2) Target/goal numbers for the pallid sturgeon, interior least tern, and piping plover necessary in each reach that would result in their delisting
 - (3) Comparison of numbers for the pallid sturgeon, interior least tern, and piping plover with previous years' reports
 - (4) Progress and effectiveness of adaptive management toward the pallid sturgeon, interior least tern, and piping plover recovery
 - (5) Other reports as deemed necessary by the Committee
- ii) Reporting agencies will be prepared to respond to specific questions from the Committee, by an agreed upon date, regarding recovery status and recovery activities.
- iii) Federal agencies involved in recovery, mitigation, and restoration efforts in the basin will submit status reports, work plans, and cost estimates to the Committee at least annually.
- iv) Other federal, tribal, and state agencies, as well as non-governmental organizations may also submit recovery and restoration proposals for review by the Committee.

f) Budget and Finance:

i) Committee funding and budget authority/responsibility

The Secretary of the Army will provide funding for Committee operations and activities, including, but not limited to:

(a) Independent technical review

(b) Facilitation assistance

(c) Administrative assistance

(d) Meeting costs

(e) Preparation of information on key technical and policy questions and issues

(f) Public information and outreach

ii) Annual funding level recommendations for the Committee will be developed through annual consultation between the Committee and a U. S. Army Corps of Engineers representative.

7) Interactions Outside The Committee: *(Consensus was reached at the November 2007 meeting in Denver, Colorado on all the individual subsections of this section as they appear below.)*

a) Web Site

The U.S. Army Corps of Engineers will maintain a Web site as a clearinghouse for Committee-related information.

b) Annual Conference

The Committee may host an annual conference to provide information to the public on the Missouri River Recovery and Mitigation Plan.

Appendix B

Meeting Attendance on 11/28/07

DRAFTING TEAM	
Name	Affiliation
Asbury, Randy	Coalition to Protect the Missouri River
Barfield, David	State of Kansas
Beacom, Bill	Missouri River Navigation Caucus
Cassidy, Patrick	Kansas City Board of Public Utilities
Catches Enemy, Michael	Oglala Sioux
Collins, Gary	Northern Arapaho Tribe
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
Hamilton, Elizabeth	Iowa Corn Growers Association
Johnson, Dave	Garrison Diversion Conservancy District
Jorgensen, Don	Missouri River Technical Team
Kitto, Felix	Santee Sioux Nation
Lay, William	Howard County Commission
Majeres, Jack	Moody County Conservation District
Meng, Lanny	Missouri Levee and Drainage District Association
Mires, Larry	St. Mary Rehabilitation Working Group
Rath, Mark	State of South Dakota
Schrempp, Tom	WaterOne
Schwellenbach, Stan	City of Pierre
Skold, Jason	The Nature Conservancy
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
ALTERNATES (Attended in addition to Primary – not at the table)	
Drew, John	State of Missouri
Saul, Eugene	Santee Sioux Nation
REVIEW PANEL	
Armstrong, Mike	WaterOne - Water District No. 1 of Johnson County
Bryggman, Tim	State of Montana
Iverson, Richard	Conservation Districts of Montana
Jacoby, Karin	MO-ARK
Knepper, Kevin	Tegra Corporation dba Big Soo Terminal
Lepisto, Paul	Izaak Walton League of America
Maddox, Max	General Public
Madison, Deb	Fort Peck Assiniboine and Sioux Tribes
Moser, Tom	Lewis & Clark Natural Resources District
Pring, Jodee	State of Wyoming
Redmond, Jim	Sierra Club, Midwest Region
Richmond, Vicki	Missouri River Relief

Appendix B (continued)

FEDERAL WORKING GROUP ADVISORY TEAM	
Berkley, Jim	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
OTHER MEMBERS OF THE FEDERAL WORKING GROUP	
Cieslik, Larry	U.S. Army Corps of Engineers
Fleming, Craig	U.S. Army Corps of Engineers
George, Mike	U.S. Army Corps of Engineers
Hargrave, Rose	U.S. Army Corps of Engineers
Jennings, Sue	National Park Service
Larson, Darin	Bureau of Indian Affairs
Mac, Mike	U.S. Geological Survey
Maddux, Henry	U.S. Fish & Wildlife Service
Olson, Mike	U.S. Fish & Wildlife Service
Reinig, Teresa	U.S. Army Corps of Engineers
Seeronen, John	U.S. Army Corps of Engineers
Zallen, Margot	U.S. Department of the Interior
MRRIC PLANNING GROUP FACILITATION TEAM	
Huston, Douglas	AccuEdit Writing Services, LLC
Miller, Steve	Olsson Associates
Nicholson 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	
Anderson, Witt	U.S. Army Corps of Engineers
Commerford, Jess	Louis Berger Group
Embrey, Alicia	U.S. Army Corps of Engineers
Iverson, Todd	State of Missouri
Otto, Dana	Louis Berger Group
Padberg, Eileen	Katz & Associates
Sellers, Randy	U.S. Army Corps of Engineers
Thomas, Kelly	Katz & Associates

Appendix C

Meeting Attendance on 11/29/07

DRAFTING TEAM	
Name	Affiliation
Asbury, Randy	Coalition to Protect the Missouri River
Barfield, David	State of Kansas
Beacom, Bill	Missouri River Navigation Caucus
Cassidy, Patrick	Kansas City Board of Public Utilities
Catches Enemy, Michael	Oglala Sioux
Collins, Gary	Northern Arapaho Tribe
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
Hamilton, Elizabeth	Iowa Corn Growers Association
Johnson, Dave	Garrison Diversion Conservancy District
Jorgensen, Don	Missouri River Technical Team
Kitto, Felix	Santee Sioux Nation
Lay, William	Howard County Commission
Majerer, Jack	Moody County Conservation District
Meng, Lanny	Missouri Levee and Drainage District Association
Mires, Larry	St. Mary Rehabilitation Working Group
Rath, Mark	State of South Dakota
Schrempp, Tom	WaterOne
Schwellenbach, Stan	City of Pierre
Skold, Jason	The Nature Conservancy
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
ALTERNATES (Attended in addition to Primary – not at the table)	
Drew, John	State of Missouri
REVIEW PANEL	
Armstrong, Mike	WaterOne - Water District No. 1 of Johnson County
Bryggman, Tim	State of Montana
Iverson, Richard	Conservation Districts of Montana
Jacoby, Karin	MO-ARK
Knepper, Kevin	Tegra Corporation dba Big Soo Terminal
Lepisto, Paul	Izaak Walton League of America
Maddox, Max	General Public
Madison, Deb	Fort Peck Assiniboine and Sioux Tribes
Moser, Tom	Lewis & Clark Natural Resources District
Pring, Jodee	State of Wyoming
Redmond, Jim	Sierra Club, Midwest Region
Richmond, Vicki	Missouri River Relief

Appendix C (continued)

FEDERAL WORKING GROUP ADVISORY TEAM	
Berkley, Jim	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
OTHER MEMBERS OF THE FEDERAL WORKING GROUP	
Cieslik, Larry	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
Larson, Darin	Bureau of Indian Affairs
Mac, Mike	U.S. Geological Survey
Maddux, Henry	U.S. Fish & Wildlife Service
Olson, Mike	U.S. Fish & Wildlife Service
Reinig, Teresa	U.S. Army Corps of Engineers
Seeronen, John	U.S. Army Corps of Engineers
MRRIC PLANNING GROUP FACILITATION TEAM	
Huston, Douglas	AccuEdit Writing Services, LLC
Miller, Steve	Olsson Associates
Nicholson 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	
Embrey, Alicia	U.S. Army Corps of Engineers
Iverson, Todd	State of Missouri
Otto, Dana	Louis Berger Group
Pearson, Kasey	Louis Berger Group
Sellers, Randy	U.S. Army Corps of Engineers
Thomas, Kelly	Katz & Associates