

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

DRAFT OPERATING PROCEDURES AND GROUND RULES

Draft v4 28 June, 2007

The Federal Working Group, an 11-member group of agency representatives appointed by the federal executives of the Missouri River Basin Interagency Roundtable (MRBIR), has been charged with determining how best to proceed with the establishment of the Missouri River Recovery Implementation Committee (MRRIC). It has engaged the U.S. Institute for Environmental Conflict Resolution (US Institute), an independent federal agency, to convene, coordinate, and provide contracted support services for this planning and chartering effort. The draft charter below outlines the operating procedures and ground rules that have been proposed to guide the Planning Group process.

In addition to the draft operating procedures and ground rules below, this document contains a draft schedule and work plan (Appendix A) and a membership list (Appendix B).

Contents

- 1) Purpose for the Drafting Team Effort
- 2) Operating Procedures and Ground Rules
 - a) Individual Participants
 - i) Representation of Interests
 - ii) Preparation and Attendance
 - iii) Sharing and Considering Information and Perspectives
 - iv) Members and Alternates
 - v) Procedural Guidance
 - b) Expectations for Group Operations
 - i) Roles and Responsibilities of Leadership and Staff
 - (1) Co-Chairs
 - (2) Facilitation Team
 - (3) US Institute for Environmental Conflict Resolution
 - (4) Resolving Compliance with Ground Rules and Operating Procedures

- ii) **Consensus and Decision Making**
 - (1) Process
 - (2) Definition of Consensus
 - (3) Decision Making Roles and Responsibilities

- iii) **General Drafting Team Operations**
 - (1) Use of time
 - (2) Balanced Representation of Interests and Organizations
 - (3) Drafting Team Records, including Recommendations
 - (4) Subcommittees

- c) **Expectations for Interactions outside the Planning Group**
 - i) Public Input during Meetings
 - ii) External Communications

- d) **This Document**
 - i) Definitions of Common Words and Terms
 - ii) Updates and Revisions

Appendix A: Schedule and Work Plan for 2007

Appendix B: Membership

1) Purpose for the MRRIC Planning Group Effort:

- i) To recommend a Charter for the Missouri River Recovery Implementation Committee to the Federal Working Group of the Missouri River Basin Interagency Roundtable by the end of calendar year 2007. The Federal Working Group will adopt a formal Charter, based on these recommendations, to establish and guide the work and operations of the MRRIC in future years.

2) Operating Procedures and Ground Rules

a) Individual Participants

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

ii) Preparation and Attendance

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

iii) Sharing and Considering Information and Perspectives

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

iv) Members and Alternates

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

v) Procedural Guidance

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

b) Expectations for Group Operations

Actions and communications from all participants will be transparent and open.

i) Roles and Responsibilities

(1) Co-Chairs will:

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

(2) Drafting Team will:

- (a) Present a charter for the Missouri River Recovery Implementation Committee to the appropriate federal decision maker(s).
- (b) Approve and complete a work plan. See Appendix A.
- (c) Approve meeting agendas.
- (d) Approve meeting minutes/notes/summaries.
- (e) Agree to act at all times in good faith.

(3) Review Panel will:

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

(4) Federal Working Group will:

- (a) Play an advisory and resource role in the Planning Group process, including providing information, policy guidance, feasibility constraints, and legal sideboards.
- (b) Provide feedback to the Drafting Team during meetings at designated times but will not participate in consensus building or decision making.
- (c) Note: The charter developed by the planning group and forwarded to the appropriate federal decision-maker(s) for approval is final. If the approving agency(ies) make any changes to the charter, it will no longer be the consensus product of the Planning Group, unless subsequently ratified by consensus of the Planning Group.

(5) Facilitation Team will:

- (a) Help the Drafting Team conduct its work in a balanced, unbiased, and fair manner.
- (b) Develop draft meeting agendas and meeting designs in collaboration with the Planning Group and the US Institute.
- (c) Facilitate Planning Group meetings and keep discussions focused and on track.
- (d) Provide a note-taker for all Planning Group meetings.
- (e) Develop draft meeting summaries and minutes. Finalize meeting summaries and minutes following review and approval by the Drafting Team.

- (f) Consult with the Planning Group and the U.S. Institute, as needed, regarding process management and the resolution of issues of concern. Facilitate the development of solutions and resolution of issues.
 - (g) The facilitation team will ensure appropriate representation in accordance with section xx.
 - (h) Post Drafting Team records from prior meetings on a Web site before the next meeting.
 - (i) Provide an administrative schedule to the Drafting Team to ensure that the group has materials in a timely manner before and after meetings.
- (6) **U.S. Institute for Environmental Conflict Resolution will:**
- (a) Execute and manage contracts with the facilitation team and the co-chairs.
 - (b) Serve as the liaison between the Federal Working Group, the co-chairs, and the facilitation team.
 - (c) Be a resource for the co-chairs and facilitation team in developing meeting processes, agendas, and strategies to address difficult issues.
 - (d) Coordinate meeting and travel reimbursement logistics and other support needs, including hosting a Web site, for the Planning Group process in collaboration with the co-chairs and the facilitation team.
- (7) **Resolving Compliance with Ground Rules and Operating Procedures**
- (a) Should a question or concern arise regarding the conduct of members of the facilitation team, co-chairs, Drafting Team, Review Panel, or U.S. Institute staff, an individual is encouraged to discuss the issue directly with the person involved. There is no expectation that the Drafting Team be informed of this discussion unless that is the joint decision of the parties involved in the issue.

- (b) Should a one-on-one conversation be inadequate to resolve the issue, the person raising the concern may request a conference call or in-person meeting to be attended by at least one member of the facilitation team, one of the co-chairs, and one representative of the U.S. Institute to discuss the issue and seek a satisfactory resolution. Part of the resolution of the issue at this level will be a decision as to whether the Drafting Team should be informed of the issue and its resolution.
- (c) Should the issue remain without satisfactory resolution, the person raising the concern may bring the issue to the full Drafting Team for discussion and resolution. The resolution of the issue at this level will be documented in the meeting summary.
- (d) If resolution cannot be achieved regarding the conduct of members of the facilitation team, the co chairs, or the U.S. Institute through the means above, the issue will be forwarded to the Federal Working Group for discussion and resolution. A representative of the Federal Working Group will report on the issue resolution at the next available Drafting Team meeting. If the resolution occurs after the December 2007 meeting, the representative may communicate the resolution of the issue via e-mail to the Drafting Team.

ii) *Consensus and Decision-Making*

(1) Process

- (a) The Drafting Team's goal is to reach consensus on a recommended charter for MRRIC. The determination of consensus will be made by the members of the Drafting Team.
- (b) Agenda items that are action or decision items will be clearly identified on meeting agendas and sent out with read ahead materials.
- (c) Consensus decisions will be made using a two-step process with information and discussion the first day and actions no sooner than the second day to assure adequate notification of and deliberations by Drafting Team members. The two-step process may be waived based on consensus of the drafting team.

- (d) In no instance shall the Drafting Team convey consensus recommendations or characterize them as being a consensus of the Drafting Team unless 51 percent of the membership and/or alternates are present at the meeting.
- (e) If consensus cannot be reached, the co-chairs will designate a period of time to be set aside to address the issue. If consensus still cannot be reached, differing views will be documented in the charter as approved by the drafting team, with no characterization or quantification of the level of support for the differing views.

(2) Definition of Consensus

- (a) For the purpose of the MRRIC Planning Group process, consensus means that all members of the Drafting Team can support or live with an action or recommendation.

(3) Decision Making Roles and Responsibilities

- (a) Members of the Drafting Team are expected to honor their commitment to seek consensus.
- (b) The co-chairs and the facilitation team are responsible for gauging the level of agreement among the Drafting Team members and suggesting when it may be appropriate to consider a proposal for a consensus decision.
- (c) It is the affirmative responsibility of each Drafting Team member to voice dissent if s/he cannot support or live with a recommendation. If a member objects to a recommendation, it is also his/her affirmative responsibility to articulate the reasons behind the objection and to provide an alternate proposal.
- (d) Drafting Team members are free to abstain from a determination of consensus for whatever reasons. However, it is the responsibility of each Drafting Team member to affirmatively state his or her desire to abstain from participating in a determination of consensus if s/he so chooses. Abstentions will not affect the membership requirements of section XX. (This is the last section the Drafting Team worked on at the 6/19/07 to 6/20/07 meeting)

iii) *General Drafting Team Operations*

(1) Use of Time

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

(2) Drafting Team Records, including Recommendations

- (a) The facilitation team will maintain a written record that will accurately summarize decisions and recommendations made by the Drafting Team at its meetings. This written summary will be prepared in draft form and all Drafting Team members will be provided an opportunity to suggest revisions to the draft meeting summary before it is finalized.
- (b) All Drafting Team recommendations shall be documented in writing in meeting summaries or in the Planning Group's final report signed by the co-chairs and provided to the Federal Working Group.
- (c) In considering the final recommendations of the Drafting Team, the Federal Working Group will respond in writing to all written recommendations of the Drafting Team stating the manner in which Team recommendations were incorporated into agency decision-making or the reason(s) why the Drafting Team's recommendations were not adopted.

(3) Work Groups

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

c) Expectations for Interactions Outside the Planning Group

i) Public Input During Meetings

- (1) All Planning Group meetings shall be open to the public. The facilitation team will be responsible for collecting and documenting public input for Drafting Team consideration. The Drafting Team will determine how best to incorporate public comment into its work.
- (2) The public will be given the opportunity for at least one formal comment period during the course of each Drafting Team meeting, preferably one opportunity each day of the meeting.
- (3) Those wishing to provide public comment will be strongly encouraged to direct their comments toward the issues and topics of focus on the agenda of individual meetings.
- (4) Planning Group members and alternates are asked to listen during public comment periods rather than make statements themselves.
- (5) Members of the audience and other observers will be asked to refrain from making statements except during public comment periods.

ii) External Communications and Activities

- (1) All members will strive to accurately describe the level of consensus or agreement that has been achieved for every adopted Drafting Team recommendation.
- (2) All members will avoid characterizing the views or opinions of other Planning Group members outside of any Group meeting or activity. Members may respond to inquiries regarding the work of the Planning Group so long as they clarify that they are speaking as individuals and not on behalf of the Planning Group. No participant may describe or characterize the views of other participants to the media or in other forums.
- (3) Each member of the Planning Group agrees to communicate with each other directly, or through the facilitation team or co-chairs, rather than through other the news media, or other forums.
- (4) Concerns of Planning Group members regarding the charter development process and related issues shall be raised internally to the Planning Group, with the co-chairs, with the facilitation team, or through the adopted Dispute Resolution Process.

Members will refrain from criticizing the Planning Group process outside of regular meetings, telephone calls, and internal Planning Group e-mail conversations. Abusive criticism of individuals or the Planning Group effort in widely-distributed e-mails outside the Planning Group will be considered a breach of these operating procedures and ground rules.

- (5) With the permission of the Drafting Team, the co-chairs may be authorized to serve as the primary spokespeople to the media and in responding to inquiries relating to the process and progress of Planning Group's efforts.
- (6) During the duration of the MRRIC Planning Group process, all Drafting Team members are expected to utilize the Planning Group process as the primary focus of their engagement on charter-related issues with respect to the Missouri River Recovery Implementation Committee. If a Drafting Team member's agency or organization intends to actively engage in other forums to influence the MRRIC charter, it is expected that the member will inform the Drafting Team of this activity.

iii) This Document

(1) Definition of Words and Terms

- (a) **Drafting Team:** The principal work group for the MRRIC chartering process composed of appointed members and alternates from tribes, states, and federal agencies and nongovernmental and local government participants selected by the US Institute from a wide range of interests in the Missouri River basin. The Drafting Team is responsible for the development of a recommended charter for MRRIC to forward to the Federal Working Group.
- (b) **Facilitation Team:** The group of facilitators and support staff contracted through the US Institute for Environmental Conflict Resolution to impartially support the activities and meetings of the Planning Group.
- (c) **Federal Working Group:** The 11-member group of agency representatives appointed by the federal executives of the Missouri River Basin Interagency Roundtable (MRBIR) to determine how best to proceed with the establishment of MRRIC.
- (d) **Institute Team:** The leadership, facilitation, support, and coordination team comprised of the co-chairs, facilitation team, and the US Institute staff.

- (e) **MRRIC:** The Missouri River Recovery Implementation Committee that will be convened in future years. Its recommended charter will be developed by the Planning Group as the primary purpose of this project.
- (f) **Planning Group:** The combined Drafting Team and Review Panel, co-chairs, and advisory representatives of the Federal Working Group.
- (g) **Review Panel:** The primary review and feedback body for the MRRIC chartering process composed of appointed members and alternates from tribes, states, and federal agencies and nongovernmental and local government participants selected by the US Institute from a wide range of interests in the Missouri River basin.
- (h) **US Institute for Environmental Conflict Resolution:** The independent federal agency that is the primary entity responsible for convening, coordinating and providing contracted support services for the MRRIC Planning Group process.

(2) Updates and Revisions

- (a) Updates of the definition of words and terms above; schedule and work plan in Appendix A; and the membership lists in Appendix B of this document may be made upon distribution of the revised information to the Planning Group.
- (b) Revisions of these operating procedures and ground rules may be made by the consensus of the Drafting Team at any regular meeting using the decision process outlined in the document.

Appendix A: Schedule and Work Plan for 2007

- **June 19-20, Minneapolis:** Drafting Team meets to review legal, regulatory, and policy issues, gather information from other similar chartering efforts, and to develop its final operating procedures and ground rules.
- **July:** Drafting Team develops major outline of MRRIC charter and identifies norms for individual behavior and for how to deal with those outside the group.
- **August:** Drafting Team develops norms for MRRIC working as a group, including major roles, representation of organizations and interests, and decision-making rule(s).
- **September:** Joint meeting of Drafting Team and Review Panel to identify preliminary charter for presentation at public workshops. Distribute draft proposed MRRIC charter for public comment.
- **October:**
 - Public workshops during the weeks of October 1st, 8th, and/or 15th.
 - Compile public input the week of the 22nd.
 - Drafting Team meets after public workshops to develop initial responses to public comments and identify revisions to draft MRRIC charter.
- **November:** Joint meeting of the Drafting Team and Review Panel to consider public comments and input from public workshops and identify revisions to MRRIC charter.
- **December:** Drafting Team adopts charter recommendations for Federal Working Group.

Appendix B: Membership

i) Membership

(1) Appointed Members

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

(i) Drafting Team

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

(ii) Review Panel

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

(2) Selected Members

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

(i) Drafting Team

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

(ii) Review Panel

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

(3) Federal Working Group

(a) Representatives from the Federal Working Group (FWG) are advisory members of the Planning Group. The 11-agency FWG has designated the following individuals to represent the federal agencies and serve as informational resources for the MRRIC Planning Group chartering effort.

- (i) Mike Collins, US Bureau of Reclamation (MT)
- (ii) Joe Cothorn, US Environmental Protection Agency (KS)
- (iii) Robert Goodwin, US Department of Transportation, Maritime Administration (MO)
- (iv) Heather McSharry, US Fish and Wildlife Service (CO)
- (v) Mary Roth, US Army Corps of Engineers (IA)
- (vi) Nick Stas, Western Area Power Administration (MT)
- (vii) Leroy Stokes, Natural Resources Conservation Service (IA)

(4) Co-Chairs

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

ii) Support Personnel

(1) Facilitation Team

- (a) The US Institute for Environmental Conflict Resolution (US Institute) issued a solicitation for facilitation services for the Planning Group. Four interviews were conducted with members of the Planning Group to assess its preferred facilitation team. The Planning Group recommended the selection of the following team to the US Institute. This team is providing contracted facilitation services to the MRRIC chartering effort under the independent auspices of the US Institute.
 - (i) Ruth Siguenza, Team Lead, Ruth Siguenza LLC, Mill Creek, WA
 - (ii) Karen Amen, Olsson Associates, Lincoln, NE
 - (iii) Lisa Behrns, Olsson Associates, Lincoln, NE
 - (iv) Martha Gilliland, Tucson, AZ
 - (v) Steve Miller, Olsson Associates, Lincoln, NE
- (b) US Institute for Environmental Conflict Resolution**
 - (i) Mike Eng, Senior Program Manager, Tucson, AZ
 - (ii) Patricia Lewis, Program Assistant, Tucson, AZ