Mid-Coast TMDL Local Stakeholder Advisory Committee

DRAFT Operating Principles

For any collaborative process to operate smoothly, it is helpful for those involved to agree at the outset on the purpose for the process and on the procedures by which the group will govern its discussions, deliberations, and decision-making. This document is intended to describe the procedures that will govern the Mid-Coast TMDL Local Stakeholder Advisory Committee.

I. Purpose of the Mid-Coast TMDL Local Stakeholder Advisory Committee

The purpose of the Mid-Coast TMDL Local Stakeholder Advisory Committee (LSAC) is to assist and advise the Oregon Department of Environmental Quality (DEQ) in the development and implementation of the Mid-Coast TMDL (Total Maximum Daily Load).This collaborative process will precede and inform the formal public participation connected with establishing the Mid-Coast TMDL.

II. Participation

Interests Represented.
LSAC members represent interests from within the Mid-Coast region that will be affected by the implementation of the Mid-Coast TMDL. The members were chosen because of the variety of their interests, experience with the issues, and willingness to work together in a collaborative process. In order to foster creative problem solving, members are encouraged to voice their individual viewpoints and ideas. In order to broaden and strengthen the discussion, members are expected to bring the perspectives of their constituent groups, as well as others with similar interests, to the process. Members are also encouraged and expected to communicate with their constituent groups regarding Mid-Coast TMDL proceedings, as appropriate. A list of LSAC members is attached.

Attendance at Meetings.
Attendance expected. Members are expected to make a good faith effort to attend all meetings. It is expected that the group will meet up to approximately 12 times. Because of the collaborative nature of the meetings, it is important to have the members attend every meeting so that progress can be continued with the same group. However, it is recognized that some meetings may be focused on specific topics that are not of interest to all members, and some members may choose not to attend. Members who decide not to attend a meeting will provide notice and explanation to the facilitators. Members who choose not to attend a meeting may not seek to revisit issues from the missed meeting that were noticed on the agenda and on which discussion was completed at the missed meeting. If a member misses more than two meetings without notice and explanation, the facilitator will speak with the individual about how to ensure their interests are being represented in the process. If an alternate attends in place of the member, it will not be considered a 'missed' meeting.

2014-919500014123

Alternates. Members may propose an individual who could attend in their place to represent their interests (an alternate). Authority to approve proposed alternates rests with DEQ. Once approved, alternates are expected to adhere to these Operating Principles. Alternates must be approved prior to the initial meeting at which they participate. The alternate should be knowledgeable about the issues to be discussed at the meeting. The alternate's primary responsibility is to inform the member about the deliberations at the conclusion of the meeting. It is the responsibility of the member to prepare the alternate for the meeting.

Withdrawal from the LSAC.
Any member may withdraw from the LSAC at any time. Communication about the reasons for withdrawing, if related to the process, would be appreciated. Good faith provisions (see below) apply to those who withdraw.

The decision to replace a member will depend on factors such as how far along the group is in the process, whether addition of a new member would be disruptive, and whether the loss of the interests represented by the withdrawing member creates a serious gap on the LSAC in terms of expertise and/or interests. Authority for decisions about replacing members rests with DEQ.

III. Organizational Structure

Local Stakeholder Advisory Committee (LSAC).
The LSAC is a group of primarily local representative stakeholders invited from interested sectors, including: agriculture, private forestry, local government, local nongovernmental organizations (NGOs) and conservation groups, watershed councils, state agencies, federal agencies, tribal nations, funding agencies and entities, and point (e.g., NPDES permittees) and nonpoint sources from within geographic area of the TMDL. The LSAC is the primary group to consult with DEQ and provide input on TMDL development and implementation planning.

All LSAC members agree to:

- Attend meetings and follow through on promises and commitments;
- Bring concerns from their interest group or organization up for discussion at the earliest point in the process;
- Share all relevant information that will assist the group in achieving its goals;
- Keep their organizations or constituents informed of LSAC process and substance;
- Support LSAC work products if they have concurred in it; and
- Concur in decisions about the LSAC *process*, including overseeing the implementation of the operating principles.

It is expected that LSAC members have authority to reach agreements on behalf of their organizations. Members whose organizations have a formal internal decision-making process are expected to convey the timetable for that process to the LSAC in a timely way so the implications can be considered in developing an overall timeline and work

2014-919500014123

plan.

Technical Working Groups (TWGs).
As necessary, the LSAC may form Technical Working Groups (TWGs) to focus on a particular set of issues or subject matter related to TMDL development or implementation. TWGs allow for smaller scale discussions of technical and implementation issues among those most knowledgeable or interested. TWGs will report out to LSAC on deliberations and recommendations.

TWGs will be composed primarily of individuals with:

- technical capacity to engage in detailed discussions of technical approaches, methods, data collection & analysis, statistics, modeling, etc., or
- expertise in implementing water quality improvement, riparian or aquatic restoration projects and/or sector-specific best management practices (e.g., agriculture, forestry, urban)

TWGs may include:

- Self-selected members of the LSAC with technical expertise or particular interest
- Other technical experts from stakeholder organizations represented on the LSAC
- Invited "outside" parties with particular expertise on an issue to engage in review, discussions and provide input or opinions, as needed. *(TWG members who are not regular, active participants in the LSAC will be encouraged to attend LSAC meetings as observers.)*

TWG membership may change depending on topic (impairment or sector) and/or geography that is the focus of that particular TWG.

LSAC Coordinating Committee.
The LSAC may designate a Coordinating Committee – a representative subset of the LSAC to work with the facilitation team and DEQ on agenda development and meeting planning. This group will help ensure that meetings and presentations are well designed to meet stakeholder needs. Members will be selected by the LSAC in cooperation with DEQ and the Facilitation Team.

Other Teams.
The LSAC will coordinate and collaborate as needed with other groups related to the Mid-Coast TMDL, including:

- *Mid Coast TMDL Project Team*. The Project Team consists of the facilitation team and key staff from DEQ and EPA (including EPA's contracting team (The Cadmus Group and Oregon Consensus). The Project Team works to ensure that the Mid-Coast TMDL LSAC process receives appropriate technical and process support, coordination, and funding.
- *Ad Hoc Policy Group*. This group may include LSAC representatives and other non-local stakeholders that have clear and pertinent interest in the Implementation-Ready TMDL process or outcomes. Group members who are

2014-919500014123

not regular, active participants in the LSAC are encouraged to attend LSAC meetings as observers. This group will have formal opportunities to interact with DEQ and the LSAC on an as-needed basis, and will adopt its own operating principles or ground rules.

DEQ.
Decision Making Authority. LSAC members acknowledge that under statutes and regulations governing DEQ water quality authority, final decision-making authority rests in the hands of the DEQ and the EQC. DEQ is committed to considering input and advice from the LSAC and acting on such advice to the extent possible.

Technical Support. The LSAC will have technical and process support assistance from DEQ staff who will attend all meetings.

Facilitator.
LSAC meetings will be facilitated by Oregon Consensus (OC). The facilitators are neutral and will not take positions on the issues before the LSAC. The facilitator will work to ensure that the process runs smoothly. The facilitator's role usually includes developing draft agendas, distributing meeting materials, facilitating meetings, working to resolve any impasse that may arise, preparing action items, and other tasks as requested. The facilitator will keep confidential information disclosed in confidence. To the extent issues arise with the process, group members are encouraged to approach the facilitator, OC, or agency staff.

IV. Meetings

Open to the Public. All LSAC (and TWG) meetings will be open to the public and time will be provided for public comment. Members of the public are also encouraged to submit written comments (forms will be provided at each meeting) on the work of the LSAC.

Agendas. Proposed meeting agendas will be drafted by the facilitation team in consultation with DEQ and LSAC members as appropriate, circulated in advance of meetings, and approved or revised at the beginning of each meeting.

Action Item Memos. In order to assist the LSAC in documenting its progress and activities, the facilitation team will prepare and distribute an action items memo. These memos will convey major decisions and ensure that timelines for completing agreed upon actions are clear to all participants. These will be distributed to DEQ staff and all LSAC members for review prior to public distribution. The facilitation will strive to distribute draft action items one week after each meeting.

V. Decision-Making And Commitments

Consensus. If and when the LSAC is asked or desires to make a recommendation or other decision, the LSAC will strive to operate by consensus. Consensus is defined as "all LSAC members can live with the recommendation or decision."

2014-919500014123

Absence of Consensus. If consensus cannot be reached the LSAC members may choose to articulate areas of agreement and disagreement and the reasons why differences continue to exist.

Decision Making. Under statutes and regulations governing DEQ water quality authority, final decision-making authority rests in the hands of the DEQ and the EQC. Where appropriate, decisions will be made by consensus of those LSAC members present at a meeting, except for concurrence on major products where consensus will be sought from all LSAC members. Major products include any final recommendations. If the members present at a meeting reach consensus on a major product, the facilitator will convey the results to those absent from the meeting and assess their ability to agree. Consensus will not be achieved until all members have confirmed agreement.

VI. Safeguards for the Members

Good Faith. All members agree to act in good faith in all aspects of this collaborative effort. As such, members will consider the input and viewpoints of other participants and conduct themselves in a manner that promotes joint problem solving and collaboration.

Acting in good faith also requires that:

1. Specific proposals made in open and frank problem solving conversations not be used against any other member in the future;
2. Personal attacks and prejudiced statements are not acceptable;
3. Individuals not represent their personal or organization's views as views of the LSAC;
4. Individuals express consistent views and opinions in the LSAC and in other forums, including contacts with the press; and
5. Individuals with process concerns will raise them in the group and not via the press and/or other public forums.

Should a LSAC member be found to be acting in bad faith the facilitator will be asked to talk with the individual(s) about the situation. A variety of approaches will be explored, accordingly, to redress the concerns including the possibility of having the member removed. The authority to replace and/or remove a member from the LSAC rests with DEQ.

Rights in Other Forums. Participation in the LSAC process does not limit the rights of any member. Members will make a good faith effort to notify one another in advance, if another action outside the process will be initiated or pursued, which could affect the issues, proposals, recommendations, or agreements being discussed.

Press/Other Public Forums. All LSAC members agree to refrain from making negative comments about or characterizing the views of other LSAC members in contacts with the press. They also agree to not characterize the positions and views of any other party in public forums.

2014-919500014123

VII. Process Suggestions/Ground rules

LSAC members agree to apply the following ground rules:

1. Focus on the task at hand – *Lots to accomplish – Stick to the agenda*
2. One person at a time - *Use tent cards*
3. Allow for a balance of speaking time – respect time limits
4. Be civil
   - Be tough on issues and questions, not on people and organizations
   - No personal attacks
5. Listen with respect (two ears/one mouth)
6. Keep side conversations to a minimum.
7. Turn off cell phones or put them in the non-ring mode during formal meeting sessions.

And consider the following process suggestions:

- Seek to learn and understand each other's perspective.
- Encourage respectful, candid, and constructive discussions.
- Seek to resolve differences and reach consensus.
- As appropriate, discuss topics together rather than in isolation.
- Make every effort to avoid surprises.

VIII. Schedule

See attached Work Plan.

2014-919500014123