

(Additional comments from Neil Crescenti, TNC, 3/2/2022)

Tim,

Attached is some recommended language regarding the adaptive management section. It isn't really detailed, but I do think it is worth having a little more of a structured framework recognizing the review of information and a process for making recommendations based on that review. I'm happy to talk through these suggestions further if you'd like.

And thanks again for taking the time to review and discuss our comments, we really appreciate it.

Best,

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VII. ADAPTIVE MANAGEMENT POLICIES

IDWR and the Term Sheet signatories ("Parties") agree to the following adaptive management policies:

- By December 1 of each year of the plan, The Advisory Committee's Technical Working Group will meet to review and analyze monitoring data and implementation information to make recommendations on adjustments to the Plan's mitigation actions or measures.
- The Advisory Committee will meet annually to review information and recommendations presented by the Technical Working Group and may put forth any mutually agreed upon amendments to the Management Plan to IDWR for approval prior to April 1st.
- Additional mitigation actions or measures, as determined by the Parties, may be implemented to augment the ability of the water users to meet the goals of the Management Plan. Such additional actions or measures shall not supplant the requirements of this Management Plan without the approval of IDWR.
- ~~The Parties can discuss and mutually agree upon amendments to the Management Plan, subject to approval by IDWR. Approved amendments may be implemented from year to year during the three-year term of the Management Plan. For example, adjustments to the projected tiered groundwater consumptive use reductions may be possible following the first season of additional data.~~

- The Advisory Committee will meet prior to the expiration of the Management Plan to review strategies and progress towards achieving the goals of the Plan. The Advisory Committee will submit to IDWR a written recommendation whether or not to extend the Management Plan ~~may be extended~~ beyond December 31, 2024, any recommended changes to the Management Plan, and the extended term of the Plan. IDWR will make an approval decision based on the ~~by~~ written consent of all the Parties ~~and with approval by IDWR.~~

XI. ADVISORY COMMITTEE AND TECHNICAL WORK GROUP

The BWRGWMA Advisory Committee shall continue to assist IDWR with implementation of the Management Plan. ~~The Advisory Committee should meet periodically to review the Management Plan goals and strategies and to ensure that the provisions of the plan are properly implemented. The Advisory Committee should frequently review the Management Plan and work with IDWR to update the plan as needed. Any Advisory Committee meetings held will be adequately noticed, including on IDWR's website. All Advisory Committee meetings will be open to the public and provide for the submission of public comments.~~

The Advisory Committee and IDWR have relied on a technical work group to review and analyze information and to recommend solutions to technical issues. The Advisory Committee and IDWR may continue to rely on the existing technical work group or form ad hoc technical work groups as needed.

Minutes of any meeting of the Advisory Committee shall be provided to IDWR and posted to the Department's website.