

DRAFT

Operating Protocols

of the Eastern Snake Plain Aquifer (ESPA)

Comprehensive Aquifer Management Plan

ADVISORY COMMITTEE

Date: May 10, 2007

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I. ADVISORY COMMITTEE PURPOSE

The purpose of the ESPA Advisory Committee is to develop consensus-based recommendations to the Idaho Water Resource Board (Board) regarding the Eastern Snake Plain Aquifer (ESPA) Comprehensive Aquifer Management Plan (CAMP). The CAMP process will outline the means for managing available water supply, managing water demands and identifying mechanisms to meet water user's needs. The CAMP process builds on the Board's Framework process and represents the primary approach to develop and implement an acceptable aquifer management plan.

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II. BACKGROUND

The Idaho Legislature enacted Concurrent Resolution 136 in 2006 and requested that the Board develop a comprehensive management plan for the ESPA. The first step was to conduct an extensive public involvement effort during the development of the Framework Plan. The Framework identified a goal and multiple objectives, highlighted the various management alternatives, identified interim steps and advanced ideas on aquifer management funding.

The Board's purpose in developing a Framework Plan and a CAMP is to fulfill the request from the Legislature and exercise the Board's responsibility to plan for the management of the waters

of the state. While the Board holds planning responsibility and may implement projects or programs to aid in the management of water, the Director of the Idaho Department of Water Resources holds responsibility for administering water rights in accordance with state law. The CAMP process will build upon the previous Board efforts initiated during the Framework Plan development process.

III. THE COMPREHENSIVE AQUIFER MANAGEMENT PROCESS (CAMP)

The CAMP will focus on management actions that can be taken by the Board to positively impact the ESPA. The CAMP Advisory Committee will work to identify means to implement the following goal and objectives:

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Goal: Sustain the economic viability and social and environmental health of the Eastern Snake Plain by adaptively managing a balance between water use and supplies.

Objectives:

- Increase predictability for water users by managing for reliable supply
- Create alternatives to administrative curtailment
- Manage overall demand for water within the Eastern Snake Plain
- Increase recharge to the aquifer
- Reduce withdrawals from the aquifer

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IV. BOARD AND COMMITTEE RESPONSIBILITIES

1. Idaho Water Resource Board

The Board holds decision-making authority regarding CAMP components, with serious consideration given to both Committee recommendations and public input. Individual Board members will attend and participate in Advisory Committee meetings. The entire Board will be briefed on the CAMP process at each regularly scheduled Board meeting. Board members will indicate, as early as possible, areas of concern regarding the Advisory Committee process.

2. Individual Advisory Committee Members

Interest group representatives, alternates, and agency participants are all considered members of the ESPA Advisory Committee. Each member of the Advisory Committee is expected to:

- Regularly attend and prepare for committee meetings;
- Clearly articulate and represent the interests of his/her group and be able to articulate an ESPA-wide perspective;
- Listen to other points of view and try to understand the interests of others;
- Openly discuss issues with people who hold diverse views and participate in a cooperative problem solving procedure to resolve differences;
- Generate and evaluate options to address the needs expressed by the Committee; and
- Keep his/her constituent group(s) informed about activities and progress of the Advisory Committee, and solicit their input about ongoing deliberations.

3. Representatives, Alternates, and Agency Participants

The list of Advisory Committee Representatives, Alternates, and Agency Participants established by the Board serves as the record of official Committee membership. Should a designated Representative, Alternate, or Agency Participant ask to be removed from Committee membership, the Board will consider a recommendation from the Committee regarding who should replace the individual in question, and make an appointment to the vacated position.

Representatives and their Alternates are strongly encouraged to coordinate their positions and work together to represent their constituencies. All members may participate in Committee discussions, however when the group is deliberating to determine if consensus has been reached (see Section V), participation will be limited to Representatives only. A representative may ask their alternate to represent him/her at any meeting where he or she may be absent, and/or during deliberations. If they are unable to attend meetings in person, alternates must be kept up to date concerning issues under discussion, previous decisions and progress made by the Advisory Committee. The Advisory Committee is not obligated to backtrack and repeat prior discussions or reopen earlier decisions for alternates.

4. Facilitators

Facilitators from CDR Associates will design Committee agendas in consultation with the Advisory Committee. CDR will facilitate all Advisory Committee meetings. Additionally, CDR may facilitate, on an as needed basis, agreed upon subcommittee meetings.

The facilitators will remain impartial toward the substance of the issues under discussion. The facilitators are responsible to the whole group and not to any one member or interest group. The facilitators will enforce ground rules that are accepted by the group. In addition, the facilitators will ensure that important information is available to Advisory Committee members in advance of each meeting. The facilitators will prepare and distribute meeting notes after each Committee meeting, and make information presented at the meetings available to the public through the established website (www.espaplan.idaho.gov) and email distribution.

V. DECISION MAKING

As noted above, responsibility for CAMP decision making will rest with the Idaho Water Resources Board (Board). The Board will give serious consideration to the recommendations, perceptions and interests developed by the Advisory Committee. Additionally, through public meetings and other means of public input, ESPA stakeholder's views will be documented, summarized and provided to the Board prior to decision making.

1. Advisory Committee Consensus Recommendations

The ESPA Advisory Committee will strive to reach consensus on recommendations to the Board regarding the ESPA Comprehensive Aquifer Management Plan. Consensus in this context is defined as a process for reaching agreement that does not rely on voting, and consensus recommendations are generally ones with which all members can agree. However, consensus does not necessarily mean unanimity. Some members may strongly endorse a particular solution while others may accept it as a workable agreement. A consensus is reached when all parties agree that their major interests have been taken into consideration and addressed in a satisfactory manner. Prior to key decisions, time will be provided for Committee members to solicit constituent input.

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In the event that a consensus is not reached on a given issue, the Committee has several options:

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- 1) A member who is not in agreement with the general opinion in the group may "stand aside" and not block the consensus,
- 2) A member may stand aside, allow the rest of the group to reach a consensus and request that a minority report detailing the other view(s) be added to the final agreement/document or
- 3) ~~If no consensus is reached, the group may announce~~ that there was not an agreement on a particular question or issue. The complete views and perspectives of committee members will be forwarded to the Board for their decision making.

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VI. TECHNICAL SUPPORT

Advisory Committee deliberations will be supported by the Eastern Snake Hydrologic Modeling Committee (ESHMC) and other technical experts as needed. Members may bring staff from their organizations or agencies, or members of their constituency groups to support the problem solving process. Advisory Committee members can defer to those individuals when their expertise is required or when requested by the Advisory Committee as a whole. However, the use of support persons must not disrupt deliberations.

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VII. REPRESENTATION OF OTHER INTEREST GROUP VIEWS

To enhance creativity during meetings, individuals who represent constituencies and agencies are not expected to restrict themselves to prior positions held by their interest group. The goal of the Advisory Committee is to have frank and open discussions of the issues in question and options to address these issues. Therefore, ideas raised in the process of the dialogue, prior to agreement by the whole group, are for discussion purposes only and should not be construed to reflect the final position of a Advisory Committee Member or his or her constituent group.

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VIII. CONSTITUENTS

Informed constituencies will enhance the prospects for approval of the recommendations of the Advisory Committee. The members of the Advisory Committee will inform their constituents and solicit their opinions about the issues under discussion. They will represent the interests of their constituent group and bring their constituents' concerns and ideas to the deliberations.

Members of the Advisory Committee may elect to hold regular meetings with their constituent group (a formal caucus), to provide copies of Committee meeting notes to their constituents and request comments, and to communicate informally with their constituents. The Advisory Committee will also explore other means to broaden public awareness and encourage broader involvement.

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IX. OBSERVERS AND PUBLIC INVOLVEMENT

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Advisory Committee meetings will be open to the public. However, in order for the Advisory Committee to achieve its objective, discussion and deliberation at Committee meetings must be focused and manageable. Participation by non-members of the Advisory Committee will be at the discretion of the Advisory Committee. Advisory Committee meetings will include a period for public comment. In addition, the Committee will hold public meetings during the process of developing recommendations to inform the public about progress being made and solicit feedback. Committee members are encouraged to provide outreach assistance for public meetings to raise broader awareness of the issues under discussion. Information, including meeting notes, will also be posted on the Idaho Department of Water Resources website.

X. COMMUNICATIONS WITH THE MEDIA

The Advisory Committee meetings will be open to the public, including the media. However, Committee members may choose to caucus and caucuses may not be open to the public or the press if it is determined that private discussions will be beneficial to the process. The consensus process is a solution-oriented, problem solving approach, not a platform for lobbying the public through the media. The deliberations of the Advisory Committee should not be used as opportunities for individual members to posture in order to gain the attention of the media.

If the Advisory Committee decide that there is a need for the Committee to communicate formally with the press, Advisory members will designate a spokesperson(s) and/or draft a statement. Stakeholders can refer members of the press to CDR for questions about the process.

In communicating with the media and the general public, a clear distinction should be made between preliminary information, concept papers, or proposals under consideration and final decisions. It is important to differentiate between discussions and decisions. Preliminary documents will be marked with “DRAFT” or “FOR DISCUSSION PURPOSES ONLY.”

Each Advisory Committee member is free to speak with the press on behalf of the constituency or agency he or she represents, and must make it clear to the press that his or her comments should not be attributed to the whole stakeholder group. No Advisory Committee member will formally speak for or represent the Advisory Committee without expressed authorization by consensus of the Advisory Committee as a whole. No Advisory Committee member will characterize to the press the point of view of other representatives.

XI. SCHEDULE

The CAMP process will be developed over the next 16 – 18 months. Predictable meeting dates and locations will be developed in conjunction with the Advisory Committee and posted on www.esaplan.idaho.gov.

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XII. DISCUSSION GUIDELINES

The following guidelines will be used to encourage productive deliberations and decision making. Members of Advisory Committee will commit to “best efforts” at following the guidelines and give the facilitators the authority to enforce them:

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- ◆ It is crucial that everyone have a chance to be heard and to hear others.
Therefore, Advisory Committee Members will:
 - Pay attention to what is being discussed in the meeting and avoid side conversations
 - Allow people to speak and refrain from making interruptions
 - Be brief and speak to the point

- ◆ It is important to find creative, innovative solutions.
Therefore, Advisory Committee Members will:
 - Avoid judging ideas prematurely

- Look for the need or interest that gives rise to the idea
 - Look for ways to improve proposals
 - Try to remain open minded
- ◆ Disagreements are inevitable; however they should be focused on the issues involved rather than on the people holding a particular view.
- Therefore, Advisory Committee Members will:
- Promote cooperative interactions and avoid competitive behaviors that denigrate other participants
 - Promote positive behaviors that promote productive discussions and agreement and avoid behavior that is disruptive to the work of the group
 - Address one another in respectful ways