

Adopted Operating Protocols
of the Eastern Snake Plain Aquifer (ESPA)
Comprehensive Aquifer Management Plan
IMPLEMENTATION COMMITTEE

I. IMPLEMENTATION COMMITTEE PURPOSE

The purpose of the ESPA Implementation Committee (Committee) is to develop consensus-based recommendations to the Idaho Water Resource Board (Board) regarding ESPA CAMP implementation.

II. IMPLEMENTATION COMMITTEE CHARGE

The Committee will develop technically informed recommendations including identification of implementation criteria and priorities, development of annual implementation goals and work plans, and a monitoring and evaluation program. Committee recommendations will be consistent with the ESPA Plan, state laws and policies, including House Bill (HB) 264. The Committee will also identify early action projects and establish the foundation for achievement of the ESPA Plan. The Committee is charged with providing recommendations on how best to implement the ESPA Plan, as approved by the Board as a part of the State Water Plan.

III. BACKGROUND

The Legislature enacted Concurrent Resolution 136 in 2006 and requested that the Board develop a comprehensive management plan for the ESPA. The first step in the process was to develop a Framework Plan, including a single goal and multiple objectives. In 2007 the ESPA Advisory Committee was convened by the Board. The Advisory Committee developed broadly supported recommendations in the ESPA Plan that were enacted by the Idaho Legislature in House Bill 264. On April 23, 2009 Governor Otter signed HB 264 into law including the formation of the ESPA Implementation Committee.

IV. THE IMPLEMENTATION COMMITTEE

The Committee will focus efforts on implementing the ESPA Plan, including Phase I recommendations, consistent with the authorizing legislation (HB 264). The major focus of the Committee during the first year will be developing implementation plans and identifying early action items to ensure a solid foundation for Plan implementation. The focus of Committee activities is on Phase I actions including establishing locations for groundwater to surface water conversions, aquifer recharge, demand reduction strategies and a weather modification program. In addition, the Committee will deliberate and provide recommendations regarding funding collection mechanisms consistent with the Plan funding participation targets.

Implementation Committee - Working Groups

Working Groups will be organized to develop specific plan recommendations and proposals for Implementation Committee review, refinement and adoption. The Committee will seriously consider Working Group products when forming final recommendations to the Board. Each Working Group will have specific tasks and deliverables outlined by the Committee. The following Working Groups are proposed.

- Groundwater to Surface Water Conversions
- Managed and Incidental Recharge
- Demand Reduction (including development of the clearinghouse structure)
- Weather Modification
- Funding
 - Developing ideas and input on a collection mechanism for Phase I commitments
 - Pro-active pursuit of additional resources

While participation in Working Groups is optional, each Committee member may choose to actively participate in up-to two Working Groups. The Funding Working Group will be comprised of only those water users that have Phase I funding participation targets. All Implementation Committee members may participate in an ex-officio capacity on any Working Groups they choose.

Each Working Group will have technical and facilitation team members that will lead deliberations and also will include other staff/resources as necessary. The goal is to keep the number of participants small enough for effective development of proposals and ideas. Committee members will ensure that all Working Group products/proposals are consistently developed. Working Groups will meet monthly or on an as needed basis to accomplish tasks.

V. BOARD AND COMMITTEE RESPONSIBILITIES

1. Idaho Water Resource Board

The Board holds decision making authority regarding Plan implementation components, with serious consideration given to both Committee recommendations and broad public input. Individual Board members will attend and serve as Board liaisons at the Committee meetings. The entire Board will be briefed on the Committee process at regularly scheduled Board meetings. Board members will indicate, as early as possible, areas of concern regarding the Committee process and deliberations.

While the Board holds planning responsibility and will implement projects and/or programs consistent with the ESPA plan, the Director of the Idaho Department of Water Resources holds responsibility for administering water rights in accordance with state law.

2. Individual Implementation Committee Members

Interest group representatives are considered members of the ESPA Implementation Committee. Each member of the 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 Committee, and solicit their input about ongoing deliberations.

Members are strongly encouraged to coordinate their positions and work together to represent their constituencies. All members may participate in Committee discussions and take part in deliberations to determine if consensus (see Section VI) has been reached. If they are unable to attend meetings in person, representatives must be kept up to date concerning issues under discussion, previous decisions and progress made by the Committee. The Committee is not obligated to backtrack and repeat prior discussions or reopen earlier decisions.

3. Facilitators

Facilitators from CDR Associates will design agendas in consultation with the Committee and Working Groups. CDR will facilitate all Committee meetings. Additionally, CDR will facilitate Working Group Meetings and coordinate with Department staff to ensure technical support for the 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 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.

VI. DECISION MAKING

As noted above, responsibility for decision making will rest with the Board. The Board will give serious consideration to the recommendations, perceptions and interests developed by the Implementation Committee. Additionally, through other means of public input, ESPA stakeholders' views will be documented, summarized and provided to the Board prior to decision making.

1. Implementation Committee Consensus Recommendations

The Committee will strive to reach consensus recommendations regarding ESPA Plan implementation and early action items. Consensus in this context is defined as a process for reaching agreement amongst Committee members that does not rely on voting. 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.

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

- A member who is not in agreement with the general opinion in the group may "stand aside" and not block the consensus,
- 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
- 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.

VII. TECHNICAL SUPPORT

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. Committee members can defer to those individuals when their expertise is required or when requested by the Committee as a whole. However, the use of support persons must not disrupt deliberations.

VIII. DISCUSSION GUIDELINES

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

- ◆ It is crucial that everyone have a chance to be heard and to hear others.

Therefore, Implementation 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, Implementation Committee Members will:

- Provide opportunities for each other to bring forward proposals and requests for technical analysis
- 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, Implementation Committee Members will:

- Promote cooperative interactions and avoid competitive behaviors that denigrate other participants
- Promote positive behaviors that promote productive discussions and agreement
- Avoid behavior that is disruptive to the work of the group
- Address one another in respectful ways

IX. 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 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 Committee, are for discussion purposes only and should not be construed to reflect the final position of a Committee Member or his or her constituent group.

X. CONSTITUENTS

Informed constituencies will enhance the prospects for approval of Committee recommendations. Members of the Committee will inform their constituents and solicit their opinions about the process and progress of the Committee. They will represent the interests of their constituent group and bring their constituents' concerns and ideas to the deliberations. Members of the Committee may elect to hold regular meetings with their constituent group (a formal caucus), provide copies of Committee meeting notes to their constituents and request comments, and communicate informally with their constituents. Consistent with the ESPA Plan, the Committee will also explore other means to broaden public awareness and encourage broader involvement.

XI. OBSERVERS AND PUBLIC INVOLVEMENT

Committee and Working Group meetings will be open to the public. However, in order for the Committee to achieve its objective, discussion and deliberation at Committee meetings must be focused and manageable. Participation by non-members of the Committee will be at the discretion of Committee members. Committee meetings will include a period for public comment. Similar to efforts during the Advisory Committee process, 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 (www.espaplan.gov).

XII. COMMUNICATIONS WITH THE MEDIA

The 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. The consensus process is a solution-oriented, problem solving approach, not a platform for lobbying the public through the media. The deliberations of the Committee should not be used as opportunities for individual members to posture in order to gain the attention of the media.

If the Committee decides that there is a need for the Committee to communicate formally with the press, 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 recommendations. It is important to differentiate between discussions and decisions. Preliminary documents will be marked with “DRAFT” or “FOR DISCUSSION PURPOSES ONLY.”

Each 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 Committee member will formally speak for or represent the Committee without expressed authorization by consensus of the Committee as a whole. No Committee member will characterize to the press the point of view of other representatives.

XIII. SCHEDULE

The Committee will work together over the 12 months. Predictable meeting dates and locations will be developed in conjunction with Committee members and posted on www.espaplan.idaho.gov. It is anticipated that the Committee will meet on a quarterly basis, while Working Groups will meet monthly.