

SITUATION ASSESSMENT FRAMEWORK¹

MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE

1. What should be the purpose and scope (or function and responsibility) of MRRIC?
 - a. What are we trying to restore and recover?
 - i. Pallid sturgeon
 - ii. Other endangered species
 - iii. Ecosystem
 - iv. Social, economic, and environmental systems
 - b. What are we trying to achieve?
 - i. Foster learning and knowledge
 - ii. Build a sense of regional identity and community
 - iii. Share resources
 - iv. Provide input and advice to decision-makers
 - v. Develop and implement projects
 - vi. Advocate for a particular interest or outcome
 - vii. Resolve disputes
 - viii. Make and enforce decisions (regulate and govern)
2. What type of authority should MRRIC have to pursue its' purpose?
 - a. Advisory
 - b. Decision-making
 - i. Federalism – federal authority is administratively delegated to states
 - ii. Compacts – negotiated agreement among sovereign powers
 1. Interstate compacts
 2. Federal-interstate compacts
 3. Tribal-state-federal compacts
 - iii. Trust Arrangements – authority is statutorily delegated to a “board of trustees”
 - c. Coordination (may include advisory, decision-making, or a mix of authorities)
 - i. Interstate Approaches
 1. Interstate compact commissions
 2. Interstate councils
 - ii. Federal-Interstate Approaches
 1. Basin interagency committees
 2. Interagency-interstate commissions
 3. Federal-interstate compact commissions
 - iii. Federal Approaches
 1. Federal regional agency

¹ One this framework for conducting the situation assessment is complete (particularly the major topics), the CDR Associates Team will complete the attached table to harvest lessons learned from experiences similar to the Missouri River Recovery Implementation Committee.

2. Single federal administrator
3. Who should participate on MRRIC?
 - a. Membership
 - i. Federal agencies
 - ii. State governments
 - iii. Tribal governments
 - iv. Stakeholders
 - v. Other
 - b. How many people do you need on MRRIC to represent your interests?
4. What should be the roles and responsibilities of the various participants?
 - a. Stakeholders
 - b. Resource experts and advisors
 - c. Process managers
 - d. Observers
5. How do you think decisions should be made by MRRIC?
 - a. Consensus (what does this mean to you?)
 - b. Super-majority (what does this mean to you?)
 - c. Simple majority
6. How should MRRIC deal with disagreements over scientific and technical information?
 - a. Defer to agency expertise
 - b. Seek the input and advice of outside technical experts
 - i. Multi-disciplinary panels
 - ii. Independent fact finder
 - iii. Peer review
 - c. Defer to some type of science court
 - d. Engage in joint fact finding
7. What type of public participation activities might be helpful to this process?
 - a. Are there other stakeholders that are not at the table (e.g., Congress) that should we should inform and educate along the way, and seek their input and advice?
 - b. How might this multi-stakeholder process be linked to a broader public participation effort?
8. What external forces may influence the efforts of MRRIC, and how can we prevent or mitigate such forces?
 - a. Congress
 - b. Political interests and strategies of all the participants
 - c. Drought
9. What barriers or obstacles may exist, and how can we overcome them?
 - a. Some stakeholders (including agencies and decision-makers) may have a better alternative to a negotiated agreement, and thus may choose to not participate.

- b. Unwillingness of some parties to engage in good faith and make a commitment to the process.
- c. Inability of some stakeholders to find an appropriate representative.
- d. Lack of scientific and technical information.
- e. Lack of time.
- f. Lack of financial resources.

10. What type of funding may be needed to support MRRIC, and what sources of funding should we pursue?

- a. Funding is needed for:
 - i. Travel and per diem
 - ii. Scientific and technical studies
 - iii. Other
- b. Potential sources
 - i. Federal agencies
 - ii. State agencies
 - iii. Tribal governments
 - iv. NGOs
 - v. Other
- c. Are there funding sources that would cause you to have concerns, which would have limitations or might affect the credibility of MRRIC?

11. Assuming that some type of impartial process management would be helpful, what would be the most valuable roles for facilitators and/or mediators to play?

- a. Process design
- b. Facilitate meetings
- c. Shuttle diplomacy
- d. Package agreements
- e. Other

**Harvesting Lessons from Similar Experiences:
Cases Addressing Endangered Species Conservation and Water Management**

Topics/Cases	Colorado River	Columbia River	Platte River	Florida Everglades	CALFED	Truckee-Carson	?	?	Valles Caldera Trust
Purpose/Scope									
Authority									
Participation/Membership									
Roles and Responsibilities									
Decision-making Rule									
Scientific and Technical Information									
Public Participation									
External Forces									
Barriers and Obstacles									
Funding									
Facilitation/Mediation									

Tuesday, June 21, 2005

Subject: MRRIC Situation Assessment Advisory Group Membership, Focus and Notice of First Advisory Group Meeting (lunch on Thursday, June 30)

Dear Plenary Group Members:

As those of you who attended the Core Planning Group meeting in Kansas City on May 9 & 10 may recall, a small group of people volunteered to be on an Advisory Group to the facilitators to help frame the process for the MRRIC Situation Assessment. CDR Associates will be conducting the Assessment concurrently with the facilitation of the Plenary Group as it develops a proposal for a Spring Rise.

The purpose of the Situation Assessment is to assist concerned parties to form a Missouri River Recovery Implementation Committee which will make recommendations to the Federal agencies on recovery decisions. At this point we are thinking that the emphasis of the Situation Assessment should be an exploration of possible mandates, goals, authorities, structures, decision-making procedures, and financial structure of the MRRIC, which were the areas identified by the Core Planning Group in Kansas City. This would be slightly different from a more traditional situation assessment, which would focus on broad issues and interests to be addressed by members of a MRRIC, rather than primarily an institutional or organizational focus.

This memo is to ask your input on three specific issues:

- (1) Membership on the Advisory Group: Now that a more broadly representative body, the Plenary Group, has been formed, do any Plenary Group members have additional input regarding membership of the Situation Assessment Advisory Group?
- (2) Could Advisory Group members, and any additional nominees, join the CDR Team for a lunch meeting on Thursday, June 30 to discuss the assessment process?
- (3) Might some of you who are not on the Advisory Group like to join in this lunch conversation, to discuss the direction we are suggesting for the Situation Assessment?

Those who are currently on this Advisory Group are:

- ◆ **Bob Bacon**, Coalition to Protect the Missouri River
- ◆ **Chad Smith**, Nebraska Field Office - American Rivers
- ◆ **David Murphy**, Conservation Federation of Missouri

- ◆ **Dawnette Owens**, Mni-Sose Intertribal Water Rights Coalition, Inc.
- ◆ **Gene Zuerlein**, Nebraska Game & Parks Commission
- ◆ **Jim Peterson**, Missouri River Bank Stabilization Association
- ◆ **Lanny Meng**, Missouri Levee Drainage Association
- ◆ **Sue Lowry**, Wyoming State Engineer's Office
- ◆ **Tom Schrempp**, Water One & MO-ARK
- ◆ **Wayne Nelson-Stastny**, South Dakota Game Fish & Parks Missouri River Fisheries Center
- ◆ **William Beacom**, Passenger Vessel Association

As we begin work on the Assessment, we are eager to see that the Advisory Group is broadly representative of the many Missouri River stakeholders, so we want your best thinking here. We want to keep the group small—not more than 10-12 members if at all possible. Avoiding overlap will assist in keeping the group to a smaller size. We want input from Plenary Group members regarding whether the current Situation Assessment Advisory Group represents key interests who need to be involved to advise the facilitators on how to process with the situation assessment, whether some of the members need to be changed, or whether several people need to be added.

The mandate of the Advisory Group is to provide direction to the CDR Team by making procedural suggestions regarding how the assessment can best be accomplished. Their mandate does not involve making substantive decisions.

Regarding Federal agency participation on the Advisory Committee, our current thinking is that it would make most sense for the facilitation team to use the Federal agency bi-weekly phone call to connect with Federal representatives. This forum would allow Federal agencies to provide the CDR team with advice, or for the team to go to them for direction or suggestions.

Please let Mary Margaret Golten and Chris Moore know your answers to the above, at 303/442-7367 or mmgolten@mediate.org and cmoore@mediate.org .

Thanks very much.

Chris Moore and Mary Margaret Golten
Co-facilitators of the MRRIC Situation Assessment