

STATEMENT OF INTEREST, AVAILABILITY, QUALIFICATIONS, AND COST QUOTATIONS
FOR
MISSOURI RIVER RECOVERY AND RESTORATION
PRESENTED BY
THE CDR ASSOCIATES TEAM

DATE: MARCH 25, 2005

CDR Associates and its team of senior environmental conflict resolution practitioners (CDR Team) is pleased to respond to the U.S Institute for Environmental Conflict Resolution's (U.S. Institute) "Request for a Statement of Interest, Availability, Qualifications, and Cost Quotations" to conduct two projects collectively referred to as "Missouri River Recovery and Restoration." The initiative by the U.S. Institute and its cooperating partners involves two interrelated projects: 1) Facilitating an Intergovernmental Process to Develop Agreement on a "Spring Rise" Proposal for the Missouri River; and 2) Conducting a Situation Assessment for the Missouri River Recovery Implementation Committee.

Dr. Christopher Moore leads our experienced team of six professionals. We have a proven record addressing high-profile and complex transboundary and interjurisdictional water issues, assisting diverse parties in developing agreements for species recovery, and working effectively with sovereign tribal nations. In this proposal, we describe our specific experiences and expertise that enable us to successfully implement the Scopes of Work for both projects.

I. PROJECT BACKGROUND

The Missouri River (Missouri) is one of the most important rivers in the United States (U.S.). It is also one of the most ecologically and politically complex. The source of the Missouri and a number of its tributaries are in the Rocky Mountains. From high-country beginnings, the river flows through a range of diverse ecological regions and eight different states until it joins the Mississippi River.

Management of the Missouri has never been easy. It is currently the only major river in the U.S. that is not regulated by a formal interstate water compact. To a significant extent this unique status is due to the large number of political entities through which the river flows, including 26 sovereign tribal nations, as well as the presence of a large number of diverse interest groups. Groups with an interests in the river and how it is managed include farmers and irrigators; municipalities; shipping and navigation companies; hydropower and other water-based energy producers; environmentalists and conservation organizations; and recreationists.

The agency with overall responsibility for management of the Missouri is the U.S. Army Corps of Engineers (COE). The agency's mandate requires it to find a balance between the competing needs and uses of concerned political entities and stakeholders. Integrated management requires preventing floods, enabling navigation and shipping on the river, guaranteeing hydropower generation, preserving water supply for multiple uses, protecting water quality, facilitating recreation, and protecting wildlife and their habitat, especially endangered species.

Procedures that outline the COE's approach for the management of the river are detailed in its Missouri River Master Water Control Manual (Master Manual). In recent years, the development of this manual has been highly controversial, and the subject of intense debates and conflicts. However, after important revisions, the COE released the new manual in 2004.

Another important document that influences how the river is managed is the 2002 U.S. Fish and Wildlife Service's (USFWS) Biological Opinion (BO) and its 2003 Amendment. The 2003 document stipulates that a "Spring Rise" be provided for specific reaches of the Missouri in order to avoid destruction or adverse modification of critical habitat on the river and the resulting jeopardy to the Pallid Sturgeon, an endangered species. While a "Spring Rise" is not planned for 2005, the COE has committed to working with concerned political entities and other stakeholders to develop procedures for including one in the 2005-2006 Annual Operating Plan for the Mainstem Reservoir System.

In order to understand the interests of the COE and the USFWS in providing a "Spring Rise," it is important to clarify its function in the life-cycle of affected species. According to the USFWS, flora and fauna living in or along a river are often highly dependent on certain patterns of streamflow to assure their sustainability. Significant changes in flows can, in some circumstances, jeopardize the survival of species that are more sensitive to those changes.

The USFWS believe that past management and regulation of the Missouri, as well as changing hydrological patterns, have significantly adversely impacted three endangered species, in particular the Pallid Sturgeon. In order to mitigate and correct these impacts, new flow patterns are needed. A "Spring Rise" is a significant increase in flows in the early part of a water year that are generally designed to accomplish specific goals, some of which include shifting sedimentation to create new channels, pools, sandbars, and islands, which provide habitat for the Pallid Sturgeon; providing and transporting nutrients; and eliminating problematic plant life on river banks. The BO requires a "Spring Rise," but there are a variety of issues that will need to be discussed and decided upon before it can be implemented.

In addition to the CORE and the USFWS, numerous other parties are also concerned about the implementation of a "Spring Rise" - environmentalists because they see it as critical to species recovery, power producers and farmers because they fear releasing water from dams early in a year may make less available later in the season, downstream farmers who are concerned about flooding, and navigational interest that are worried about impacts of increased flows in the spring on barge traffic and navigability at different times of the year.

The COE is exploring ways to encourage and support more collaborative approaches to manage some of the water management challenges in the Missouri Basin. To this end, the COE has committed to developing a facilitated intergovernmental process, which will involve multiple stakeholders, to develop agreement on a "Spring Rise" proposal. This proposal, which the COE hopes will be a consensus-based document, will be presented to the agency for consideration, approval, and implementation.

The COE Record of Decision (ROD) on the Master Water Control Manual also commits the COE to initiate a comprehensive Missouri River Recovery Implementation Plan (MRRIP) to restore the river's ecosystem and protect and recover threatened and endangered species. To explore the feasibility of implanting such a plan, the ROD specified that actions associated with the MRRIP will be implemented through coordination with a Missouri River Recovery Implementation Committee (MRRIC), composed of a cross section of government entities and stakeholders, to ensure a comprehensive approach and broad based support for recovery implementation. The situation assessment process will assist in the design and implementation of the MRRIC initiative.

II. TEAM MEMBERS, ROLES, AND BENEFITS OF APPROACH

Led by Dr. Christopher Moore, the CDR Team consists of senior level practitioners that individually and collectively provide specialized expertise and in depth experience especially relevant to the two

Missouri River Recovery and Restoration projects. In this section, we describe the roles of each team member and the benefits of our staffing approach.

Team Members and Roles

The roles we propose for each CDR Team member are distinct and allow the project to fully benefit from the team approach. Following are biographies of each team member. In the box in the right we provide a description of their roles in either one or both projects:

Dr. Christopher W. Moore, Ph.D., is a Partner at CDR Associates, having worked in the field of collaborative planning, multi-party decision-making, and conflict management for over twenty-five years. He is an internationally recognized mediator, facilitator, dispute systems designer, trainer, and author. Dr. Moore specializes in the resolution of natural resource and water disputes, including dispute resolution systems design. He has successfully mediated site specific, interstate and international settlements, and facilitated numerous regulatory negotiations and policy dialogues on state and national levels. Dr. Moore has consulted in the U.S. and over twenty-five countries in Asia, Western and Eastern Europe, Africa, the Middle East, and Latin America. Dr. Moore's full resume is available online at www.mediate.org.

Joseph McMahan, J.D., is a professional facilitator and mediator in private practice. Since 1972, as a professional engineer, attorney, and third party, Mr. McMahan has devoted a substantial part of his professional work to water issues and conflicts. As a conflict resolution specialist, Mr. McMahan has assisted parties in dealing with complex environmental and technical issues involving intergovernmental matters. He has helped federal and state agencies negotiate with stakeholders to find solutions to highly technical ground and surface water relationships, ground water pollution and monitoring programs, as well as complex hydrological and stream regime disputes.

Team Member Roles

Christopher Moore will be the team leader for both components of the Missouri River Recovery and Restoration initiative. In this capacity, he will oversee the implementation of all tasks for both projects, provide project management, and coordinate the CDR Team. He will be a Co-Facilitator for Project #1 and a Co-Assessor for Project #2. As a Co-Facilitator for Project #1, he will be involved in all tasks in both Phases I and II. As a Co-Assessor for Project #2, he will be involved in all tasks in conducting the assessment, including serving as the primary author of the situation assessment report, reviewing the findings with the coordinating group, and presenting the findings at the stakeholder meeting.

Joseph McMahan will be a Co-Facilitator of the intergovernmental process to develop agreement on a "Spring Rise" proposal. As a Co-Facilitator for Project #1, he will be involved in all tasks in both Phases I and II.

Mary Margaret Golten, founding Partner of CDR Associates, is a nationally- and internationally-known facilitator of multiparty disputes and has conducted training programs on conflict management in the U.S., Canada, Europe, Japan, New Zealand, Australia, and Africa. Recognized as a catalyst in the development of alternative dispute resolution, Ms. Golten has extensive experience as a mediator of complex organizational and environmental disputes, public policy dialogues, and negotiations. She has been a consultant to numerous private and public organizations in her 25-year career. Ms. Golten’s full resume is available online at www.mediate.org.

B. Leigh Price, Jr., J.D., is a mediator and attorney-at-law. He has worked in the field of federal and tribal program design, decision-making, and conflict management for over thirty years. Mr. Price’s work has focused on the design, development, and implementation of government programs for the protection of air and water resources and environmental quality in Indian country. Specifically, Mr. Price worked with EPA and its federal partners, and with numerous tribal and state governments, to design and build a tribal/federal partnership to protect environmental interests on Indian lands. Today, this highly successful program involves scores of tribal governments across the United States in a central decision-making and regulatory role in the implementation of the Clean Water Act and other environmental statutes.

Matthew McKinney, Ph.D., is the Director of the Public Policy Research Institute at the University of Montana. The Institute was created by the Board of Regents in 1987, and is designed to help citizens and leaders shape public policy to sustain communities and landscapes. Prior to his current position, Dr. McKinney served as the founding director of the Montana Consensus Council for 10 years. During the past 20 years, he has conducted situation assessments; designed multi-party and public processes for a variety of purposes; facilitated and mediated many complex, multi-party dialogues and disputes; and directed nearly 50 cases focused on issues related to water policy and management, federal lands planning, fish and wildlife, land use planning, and growth management.

Julie McKay, M.A., is a Senior Program Manager at CDR Associates. She brings her background as a mediator, facilitator, and conflict resolution program designer to her work with federal and state policy makers, regulators, local government representatives, citizen organizations, and the public. She focuses on convening and facilitating multi-stakeholder collaborative groups to address public policy and environmental issues such as energy development,

Team Member Roles

Mary Margaret Golten will be the Co-Assessor for Project #2. She will be involved in all tasks in conducting the assessment, including serving as a reviewing author of the situation assessment report, reviewing the findings with the coordinating group, and presenting the findings at the stakeholder meeting.

For both projects, Leigh Price will serve as a Special Liaison to the tribes, working with tribal representatives on an ongoing basis throughout both processes, with an emphasis on the early phase of the facilitation process. In Project #1, to begin building positive working relationships with tribes and tribal leaders, Price will attend the Inter-Tribal Meeting. Information gained by attending this meeting will be used to help structure a culturally acceptable intergovernmental “Spring Rise” process. In Project #2, Mr. Price will serve as an Assessor in addition to his liaison role.

Matthew McKinney will be an Assessor for Project #2. He will identify stakeholders, conduct interviews, and contribute to the findings of the assessment report. He will focus on Montana and North Dakota, where he has worked in the past.

Julie McKay will be an Assessor for Project #2. She will identify stakeholders, conduct interviews, and contribute to the findings of the assessment report. She will focus on Wyoming, where she has worked in the past. She will also be involved in developing the interview protocol and the project contact database.

water, land use, transportation, and conservation planning. Ms. McKay's full resume is available online at www.mediate.org.

Detailed information about the hours each team member is anticipated to spend on the project tasks, including overall level of effort, is included in the cost proposal for each project.

Benefits of Approach

The unique strengths of the CDR Team and our approach to staffing include:

- ◆ The ability to apply knowledge, strategic approaches, and procedures developed from CDR's 25 year *Practice in Collaborative Planning, Decision Making and Conflict Management of Water and Water-Related Issues* (See www.mediate.org for a full description of the practice);
- ◆ Demonstrated skills in facilitating multi-stakeholder decision making and mediating natural resource issues, particularly those involving water;
- ◆ Past experience facilitating "regime of the river," "Spring Rise," and other stream flow issues related to habitat restoration and recovery of endangered species;
- ◆ Insight and skills gained from conducting numerous situation assessments in high-profile local, regional, and national conflicts that involve a large number of parties;
- ◆ Extensive collaborative experience working with sovereign tribes in the region, many of which are involved in Missouri River issues;
- ◆ A team based in the region, with members located either in states along the river or near the primary air hub with the best access to all relevant state capitals;
- ◆ A "reach of the river" approach where team members conduct interviews in the states where they have worked previously and are familiar with the local landscape;
- ◆ The ability to assist diverse groups in achieving consensus on complex public policy issues, demonstrated by numerous successes over the past quarter of a century.

More information on the unique and value-added experience, expertise, and skills of each team member is provided in the "Statements of Qualifications" section below and on the enclosed resumes for each team member.

In addition to assembling a team based on individual and collective strengths, we also followed several principles in determining our staffing configuration for both projects. A priority in our consideration was ensuring that the team has a strong leader with significant experience facilitating and conducting assessments on water issues. In this role, Christopher Moore provides both the process and substantive expertise necessary to effectively lead the CDR Team and ensure successful delivery of all tasks for both projects. Joseph McMahan and Mary Margaret Golten, in their roles as Co-Facilitator and Co-Assessor respectively, also provide important leadership for each project. Another important consideration was assigning team members to roles in which they bring the highest value to the effort. For example, Leigh Price will draw upon his substantial expertise and experience working with tribes for the benefit of both projects. Matthew McKinney and Julie McKay serve as Assessors in states in which they are most familiar and knowledgeable. A final principle was ensuring continuity and consistency across the two projects. Christopher Moore and Leigh Price serve as this "bridge" between the two efforts.

All members of the CDR Team are committed to the Missouri River Recovery and Restoration initiative as their number one priority between April and September of 2005. Details regarding their time commitments and availability are provided in a subsequent section of this proposal.

III. STATEMENT OF QUALIFICATIONS

In the following section we demonstrate the qualifications of the CDR Team. After each description, we reference projects that speak specifically to our qualifications in each area. Complete descriptions of the referenced projects are available on the individual resumes included in the final pages of this proposal.

Christopher Moore has worked as a situation assessor, mediator, and facilitator on numerous complex and high-profile natural resource conflicts. In his work, he has assisted diverse parties from national, state, and local governments; tribal nations; the private sector; and public interest groups. He has helped diverse groups successfully address and resolve contentious conflicts over the development and negotiation of new policies, legislation and rules; trans-boundary and inter-jurisdictional water allocations and ‘regime of the river’ flows; protection of habitat and recovery plans for threatened and endangered species; water development; operations of dams and reservoirs; conjunctive use between surface and groundwater; and hydropower relicensing. He has also served as an intermediary on growth management, land use, and wildlife management issues. Dr. Moore successfully co-mediated a settlement of litigation over the Republican River Compact among the states of Kansas, Nebraska, Colorado, and the US. in the U.S. Supreme Court; facilitated meetings and assisted in breaking a major deadlock over regime of the river and flow issues for parties engaged in the Platte Cooperative Agreement for the recovery of endangered species; and is currently facilitating a multi-party stakeholder process in the state of Texas, with fifty participants, to study fresh water inflow requirements to maintain the economic and ecological viability of the Galveston Bay and Estuary.

Demonstrated experience and expertise working as an environmental conflict resolution practitioner in crafting joint solutions to technically complex and highly contentious intergovernmental water use and natural resource management issues involving a wide range of governmental and

Joe McMahon has a substantial background in assisting parties to address complex, challenging and sometime highly contentious issues regarding regulations, strategy planning, communications, technology, natural resources, transportation, water use, environmental issues, board/staff relations, land use, transportation and commercial litigation. His consultations and projects included public, environmental disputes and inter-governmental (national, state, and county) disputes over public land, fire protection, Clean Water Act, trespass claims, and transportation/planning disputes among communities. As a dispute resolution specialist with advanced degrees in law and engineering, he has helped federal and state agencies negotiate with diverse stakeholders to find solutions to highly technical water issues. These include interstate compacts, integrated administration of ground and surface water, hydrology, historic flow patterns, sedimentation, effect of changing river management and impoundment on river flow patterns during high runoff, joint ownership and use of reservoirs, groundwater movement and migration, irrigation company management, competition between municipal and agricultural use, change of points of diversion, Clean Water Act, and the adjudication and transfer of water rights. In water related disputes, McMahon has worked with or represented various federal and state water agencies, local governments, mutual ditch companies, water districts, ranchers and farmers.

Leigh Price has worked for many years with governmental and nongovernmental stakeholders to develop joint solutions to water and other natural resource management issues. These have often involved multiple jurisdictions and contentious trans-boundary disputes as well as technical, legal and political complexities. For example, Mr. Price has extensive experience working with EPA and its federal partners, tribal and state governments, and environmental and commercial interests, to clarify, mitigate and resolve conflicts and disputes that can arise from conflicting tribal and state water quality standards on common bodies of water. Mr. Price is currently working with Oklahoma Indian Nations, National Indian Environmental Organizations, EPA, and the staff of relevant Congressional Indian and Environmental Committees to foster a collaborative dialogue involving Oklahoma Indian Nations, the State of Oklahoma, and Oklahoma commercial interests on very contentious issues of economics and environmental management of water resources on Oklahoma river systems.

Mary Margaret Golten specializes in multiparty environmental and public policy conflicts and working with diverse stakeholders to reach acceptable settlements to issues in dispute. Specific environmental issues in which Ms. Golten has been involved include the mediation of a highly polarized mining clean up dispute; the design, convening and facilitation of a working group including federal, state, and local officials, as well as members of public interest groups and developers to make recommendations regarding future use of a nuclear weapons site; the mediation of a chemical spill in a low income area of a large metropolitan area; and consultation with federal staff responsible for support and implementation of alternative dispute resolution processes. She has consulted with and trained federal agencies such as the Minerals Management Service, Bureau of Land Management, the U.S. Fish & Wildlife Service, the U.S. Department of Energy, and the U.S. Environmental Protection Agency; as well as local, regional, and national public interest groups and organizations in the private sector.

Matt McKinney has directed, co-directed, and/or completed situation assessments, process designs, facilitation and mediation, and evaluation on nearly 50 public policy disputes (most of them on natural resources and environmental issues) involving multiple stakeholders and multiple governmental jurisdictions. Much of his practice has focused on water issues, including water allocation, water quality, and water rights. For seven years in the 1990s, he served as an impartial policy analyst and then a facilitator/mediator to resolve disputes over the interstate management of the Missouri River. In this role, he worked closely with the Missouri River Basin Association (MRBA), including all eight states, 28 Indian Nations, and countless federal agencies. His work included co-designing and co-facilitating a series of policy dialogues referred to as the Missouri River Assembly.

Julie McKay specializes in designing and conducting complex, multiparty collaborative processes, including public participation. As a mediator and facilitator, she has assisted groups to build agreements on land use, wildlife management, transportation, water, and habitat conservation issues. These groups have included representatives from federal, state, and local government agencies; landowners; public interests groups; industry representatives; and local community representatives. In facilitating the Scoping meetings of the Niagara hydropower relicensing process, she conducted a process whereby the 100-200 stakeholder participants built consensus at their bimonthly meetings. Two of her other projects, the Federal Leadership Forum and the Upper Silver Creek Watershed Stakeholder Process, addressed water quality issues on a watershed scale.

EXEMPLARY PROJECTS:

- ◆ The Platte River Cooperative Agreement (Christopher Moore)
- ◆ Settlement Negotiations in Kansas v. Nebraska and Colorado, No. 126 Original (Christopher Moore)
- ◆ State of Nebraska Water Policy Task Force (Christopher Moore)
- ◆ Sacramento Valley Water Management Agreement (Christopher Moore)
- ◆ U.S. Environmental Protection Agency Region VIII, Vasquez Boulevard/I-70 Site (Mary Margaret Golten)
- ◆ Okavango River Basin Commission and the U.S. Bureau of Reclamation (Mary Margaret Golten)

- ◆ Lowry Landfill Superfund Site (Joseph McMahan)
- ◆ Rocky Mountain Arsenal (Joseph McMahan)
- ◆ Water District Valuation Dispute (Joseph McMahan)
- ◆ Mediation Pertaining to the Midnite Mine, Spokane Indian Reservation (Leigh Price)
- ◆ Collaborative Problem-solving Design and Facilitation Support Pertaining to Oklahoma Intergovernmental and Interjurisdictional Water Quality Conflicts and Disputes (Leigh Price)
- ◆ Interstate Management of the Missouri River (Matthew McKinney)
- ◆ Instream Flow Negotiation (Matthew McKinney)
- ◆ Big Hole River Watershed Management Group (Matthew McKinney)
- ◆ Yellowstone River Compact Commission (Matthew McKinney)
- ◆ Niagara Power Project (Julie McKay)
- ◆ U.S. Environmental Protection Agency, Region VIII, Upper Silver Creek Watershed Stakeholder Process (Julie McKay)

The CDR Team has a substantial amount of experience working with sovereign tribal nations, including tribal leaders (see Exemplary Projects below). It is this experience that has enabled the team to develop the understanding and sensitivity necessary to work effectively with the tribes in the two Missouri River initiatives. Christopher

Demonstrated experience, sensitivity, and effectiveness in working with sovereign tribal nations in achieving solutions to long-standing cultural and natural resource issues.

Moore, Mary Margaret Golten, and Leigh Price are all members of the U.S. Institute’s Native Dispute Resolution Network. Matt McKinney has worked with tribal nations on land and water issues in the Missouri River, the Clark Fork River, and the Transboundary Initiative, to name just a few projects. He also facilitated a statewide policy dialogue to improve state-tribal relations in Montana.

Leigh Price, who will serve as the Special Liaison to the tribes for both projects, has worked collaboratively with tribal nations for over thirty years, focusing on the development of a practical and effective tribal role in the regulatory structure for protecting the nation’s environment. Mr. Price’s work has required an understanding and sensitivity both to tribal culture and to tribal decision-making processes, and has resulted in the establishment of a federal/tribal environmental partnership based on the principles of Indian self-determination and “government-to-government” relations. Today, this highly successful partnership allows tribal governments to better express their sovereignty by incorporating their own cultural interests and values into the setting and enforcing of environmental standards under the Clean Water Act, Clean Air Act, *etc.* It should be noted that Price in his earlier work as tribal liaison for EPA is know by and has worked on environmental and water-related issues with a number of Missouri Basin tribes and their leaders.

EXEMPLARY PROJECTS:

- ◆ Klamath River Basin Mediation, Federal District Court of Oregon (Christopher Moore)
- ◆ Tribal/Environmental Dialogue Project (Mary Margaret Golten)
- ◆ National Tribal Environmental Council/Office of Solid Waste Emergency Response (EPA) (Mary Margaret Golten)
- ◆ Navajo EPA/Arizona DEQ Environmental Agreement (Leigh Price)
- ◆ Indian Environmental Law Counsel to the Environmental Protection Agency, Region VIII (Leigh Price)
- ◆ State-Tribal Relations in Montana (Matthew McKinney)

All members of the CDR Team are familiar with the Endangered Species Act and have assisted parties in building agreements related to the recovery of

Familiarity with the Endangered Species Act and demonstrated experience and expertise in helping parties reach implementable agreements related to the recovery of endangered species.

threatened or endangered species (see Exemplary Projects below). For example, **Leigh Price** has served as an attorney for the EPA and as a law professor at the Arizona State University College of Law, where he taught Environmental Law and Federal Indian Law. In both capacities, he was responsible for familiarity with and expertise in the structure, interpretation and application of all federal environmental statutes, including the Endangered Species Act.

Matt McKinney has worked on endangered species issues in the Missouri River, the Clark Fork River, the Big Hole River, and on several federal land management projects. In all cases, the processes resulted in outcomes that included recommendations to sustain or restore endangered species and their habitat. He also facilitated a negotiated agreement (statewide policy dialogue) on recommendations to reform the ESA.

Both **Chris Moore** and **Mary Margaret Golten** have extensive experience in endangered species issues. In the face of extreme water shortages that effected New Mexico municipal water users, farmers, tribes and fish protected by the Endangered Species Act during 2003, Ms. Golten designed and conducted a workshop for agency staff to help address this crisis. Many of Mr. Moore's projects involve engaged species issues, including the Carmel River Endangered Species Recovery Plan and the American River Water Contract and Environmental Impact Statement Negotiations.

Most recently, **Julie McKay** facilitated a local sage grouse conservation planning effort in south-central Wyoming. The group convened before the recent USFWS decision, but continues its work to prevent possible future listing of the bird.

EXEMPLARY PROJECTS:

- ◆ Carmel River Endangered Species Recovery Plan (Christopher Moore)
- ◆ American River Water Contract and Environmental Impact Statement Negotiations (Christopher Moore)
- ◆ Flaming Gorge Species Recovery Plan Partnering Workshop (Christopher Moore)
- ◆ Klamath River Basin intervention (Mary Margaret Golten)
- ◆ Jarbidge/Elko Nevada Public Lands Litigation (Joseph McMahan)
- ◆ Policy Dialogue on the Endangered Species Act (Matthew McKinney)
- ◆ Local Sage Grouse Working Group (Julie McKay)

All members of the CDR Team working on Project #2 have substantial experience designing, conducting, and communicating complex and controversial situation assessments (see Exemplary Projects below). In accordance with CDR's standard practice, **Ms. Golten, Dr. Moore** and **Ms. McKay** have conducted numerous and

assessments in preparation for a wide range of natural resource processes. Among Ms. Golten's most notable work is the situation assessment she conducted for the Collegiate Range Project regarding the City of Aurora's plan to build a major trans-mountain water diversion project in central Colorado. Dr. Moore has conducted more than fifty situation assessments, many of them in his water and natural resources practice. Ms. McKay has also conducted numerous situation assessments and program evaluations. In doing so, she has worked within organizations and in public policy forums. In addition to post-project evaluations, her assessment work has included designing conflict prevention and management intervention strategies. As one example, Ms. McKay, with a CDR colleague, conducted a formal conflict assessment for the Bureau of Land Management's Lower Snake River District. It resulted in a set of recommendations about the design of the public involvement process.

Demonstrated Experience and Expertise in Designing, Conducting, and Communicating Neutral Situation Assessments involving highly controversial and technically complex

Mr. Price has experience and expertise in designing, conducting and communicating Neutral Situation Assessments of Superfund disputes involving Indian tribes and other stakeholders and highly controversial and complex technical, legal and political circumstances. In one example, Mr. Price conducted a formal conflict assessment for the Environmental Protection Agency in regard to the Yerington Copper Mine in Nevada. Stakeholders included the Yerington Paiute Tribe, the State of Nevada, EPA and DOI, local governments, the mine owner, and the local, non-Indian community. At issue were complex and controversial issues including levels, movement and health effects of radiation, acidity and toxic chemicals found in ground water used for drinking water purposes.

Mr. McKinney has designed, completed, and communicated situation assessments on a number of complex, controversial natural resources issues. In particular, he directed an assessment on water allocation and management, endangered species, and tribal issues in the Clark Fork River Basin. The assessment led to the design of a collaborative working group, which has crafted a set of recommendations to address water allocation and management issues in the basin.

EXEMPLARY PROJECTS:

- ◆ Green Mountain Reservoir Operation (Christopher Moore)
- ◆ U.S. Department of the Navy, Camp Pendleton Marine Base (Christopher Moore)
- ◆ Collegiate Range Project (Mary Margaret Golten)
- ◆ Situation Assessment Pertaining to the Yerington Copper Mine (Leigh Price)
- ◆ Clark Fork River Watershed Management Task Force (Matthew McKinney)
- ◆ Lower Snake River District Situation Assessment (Julie McKay)

Christopher Moore is a leader in the conflict resolution field. He has provided collaborative leadership within CDR for the over 25 years, including leading CDR teams of his senior colleagues. This proposal describes several project in which Dr. Moore served as the team leader, including the Republican River Interstate Compact Negotiations, State of Nebraska Governor’s Water Policy Task Force, Okavango River Basin Commission, Niagara Power Project, Klamath River Basin Mediation, Collegiate Range Situation Assessment, and the U.S. Navy, Camp Pendleton, and Fallbrook PUD Situation Assessment.

Demonstrated ability of the contractor to provide effective collaborative leadership for a team of senior level professionals. Demonstrated ability of the team members to work together efficiently and

All members of the CDR Team work regularly as part of collaborative teams, valuing partnership as a way to effectively deliver high quality services. This means sharing responsibilities in a manner consistent with experience, knowledge, skills, and client needs. Joe McMahan, Leigh Price, and Matthew McKinney, as solo practitioners, regularly partner with practitioners from other organizations. Christopher Moore, Mary Margaret Golten, and Julie McKay, as CDR colleagues, have worked together on several projects described in this proposal, such as the Niagara hydropower relicensing (Moore and McKay), the Collegiate Range Project Situation Assessment (Moore and Golten), and on interrelated projects on the Klamath River and the Okavango River Basin (Moore and Golten). Leigh Price is currently mediating with the Director of CDR’s Washington Office on a Federal government-tribal nation dispute. In addition, all CDR Team members have attended conferences together and participated in one another’s training seminars.

As noted earlier, the CDR Team is based in the region, with members located either in states along the river or near the primary air hub with the best access to all relevant state capitals.

Geographic Proximity.

CDR Team members Christopher Moore, Joseph McMahan, Mary Margaret Golten, Matt McKinney, and Julie McKay are members of the U.S. Institute's Roster. Christopher Moore, Mary Margaret Golten, and Leigh Price are members of the Native Dispute Resolution Network.

U.S. Institute's Roster of Environmental Conflict Resolution and Consensus Building Professionals.

The above section specifically addresses how the CDR Team meets Selection Criteria #1 through #5, #8, and #9. Please note that Selection Criteria #6 and #7 are addressed in separate sections of this proposal.

IV. PROJECT DESCRIPTIONS AND REFERENCES

The two components of the Missouri River initiative have six key characteristics that are similar to a number of past projects successfully conducted by members of the CDR Team. They involve:

- ◆ Transboundary and interjurisdictional issues between multiple governmental entities (Federal agencies, sovereign tribal nations, state and local governments), with diverse authorities and decision making procedures;
- ◆ Competition over water allocation for diverse purposes, including quantities and timing of flows;
- ◆ Restoration of habitat and recovery of threatened or endangered species protected under the Endangered Species Act;
- ◆ Involvement of one or more sovereign tribal nations, with cultural and environmental concerns that need to be addressed, and internal decisions within or between tribes that need to be reached;
- ◆ Technically complex issues with significant disagreement over scientific data, currently or in the past, or data that is not immediately available for decision making.
- ◆ Lack of clarity on key questions regarding how the issues should be addressed, including what issues should be considered, what forum will be the most effective, and how binding decisions can be made and implemented.

All members of the CDR Team have conducted past projects that have successfully addressed the above issues. A listing and brief description, including references, of these projects can be found in individual resumes included in the final pages of this proposal.

V. SAMPLE WORK

As requested, we have submitted two samples of our work as attachments to this proposal. The first is an excerpt from the American River Situation Assessment. The second is a meeting summary from the Platte River Cooperative Agreement. Chris Moore was the primary author of both documents. Please refer to his resume for a description of these two efforts.

VI. KEY CONSIDERATIONS AND ADVANTAGES OF APPROACH

This section identifies the key strategic considerations for both projects and describes the benefits of the CDR Team's approach.

Key Considerations for Facilitation of the "Spring Rise" Proposal

Number, Diversity, and Geographic Distribution of Parties. River management issues have always been daunting for government agencies and stakeholders because of the sheer number of parties and their geographic disbursement. These dynamics will affect both the facilitation of the “Spring Rise” and the conduct of the situation assessment. In both projects, it will be critical to involve key stakeholders representing a range of interests, including geography. This will also mean contacting not only key leaders and decision makers for specific agencies, tribes, and organizations along the river, but also conducting a number of group interviews to determine the views of broader memberships or constituencies. A balance between the number of individual and group interviews will be sought both to gain a more complete picture of views and to avoid group think that can often occur in collective interviews.

The Current Context for Negotiations. Identifying the “Spring Rise” as the first issue to be negotiated poses some interesting challenges. Many of the stakeholders concerned about this issue have had adversarial relationships in the past. One challenge will be using the USFWS BO and the CORE’s commitment to develop a mechanism for a 2005-2006 “Spring Rise” to establish a new context for addressing difficult implementation issues and working together.

Relationship between the Intergovernmental Working Group and other Stakeholders. The current proposal for the structure of the working group on the “Spring Rise” implies that its composition will be government agencies. The Technical Working Group will be composed of both government agencies and other technically qualified stakeholders. Early discussions with the Core Planning Group will need to decide if this is the best configuration for involving all parties. Past experience indicates that while intergovernmental negotiations can work to develop acceptable proposals that are then referred to a government agency for its consideration, outcomes can often be improved by direct involvement of other key stakeholders in the principle dialogue process, i.e., the plenary sessions. CDR believes that this issue should be discussed at the first meeting between the contractor and the Core Planning Group.

Deliberation and Decision Making Procedures. Whenever a facilitated process begins, it is critical to clarify the decision making function of the dialogue group and where the ultimate authority for making a final decision lies. In this case, final decision making authority rests with the COE and the agency cannot delegate this authority. However, for parties to fully engage in good faith negotiations to develop a “Spring Rise” *proposal*, they will need an explicit commitment by the COE that the agency will seriously consider the work of the Interagency Working Group, including implementing its proposal unless it goes beyond the bounds of the COE’s mandate, Federal laws, or other rules and regulations. Unless the group believes that their work will be meaningful, there is a risk that they will be less committed to the negotiation process.

The Potential for Future Litigation. History between some of the parties that may be involved in the facilitation process suggests there is reason to believe that any future decision about “Spring Rise” issues could result in litigation against the COE. This litigation prospect must be considered in designing and conducting the deliberative and decision making processes. The greater the consultation and involvement of concerned parties, and efforts to develop an integrative proposal that addresses as many of their interests and concerns as possible, the greater the likelihood that key parties and their constituents will support the negotiated agreement and refrain from litigation.

Key Considerations for the Situation Assessment.

Perception of the Situation Assessment Process. While some parties may be familiar with the situation assessment as a tool and recognize its utility in enabling collaboration, others may not. The

latter may be skeptical, suspicious, and reluctant to participate. The letter from the Commander will help introduce the process. For some, this introduction may not be enough. The CDR Team strongly encourages the COE to identify a person who is known and has credibility with parties who may be uneasy with the assessment process. This person should contact them, explain the process, answer their questions, and make an indirect introduction of the potential situation assessor who will be contacting them. This approach may be especially relevant for contacting tribal representatives.

Confidentiality. Assessors typically make a commitment to protect the confidentiality of information provided during the assessment process to the extent desired by individual participants. The desired form and content of the assessment report influences the scope of confidentiality. For example, assessments often seek to generalize about the relative importance of different issues or the willingness of stakeholders to collaborate. Typically, this means that an assessment report does not attribute comments to individuals or present easily attributable quotations, but contains statements such as, “a significant majority of participants hold the following opinion . . .” It will be important to develop a confidentiality protocol that encourages a reasonable level of candor between stakeholders and the assessor. The potential for litigation over any negotiated rule must be considered in developing this protocol.

Form of the Assessment Report. The U.S. Institute’s request describes the need for a draft written assessment report that will be reviewed by the Situation Assessment Coordinating Group and the U.S. Institute, after which the document will be finalized. The U.S. Institute also provides guidance about the desired form of the assessment report. Ensuring clarity on the form and contents of the report early in the process is important, as it will influence decisions about the interview protocol and the overall approach to gathering information.

Advantages of Approach

CDR Team’s approach to multi-party facilitation and situation assessments in complex, highly contentious cases offers a number of advantages:

Integrating politics and science. The success of the Missouri River Recovery and Restoration initiative will require robust, high-quality science that is trusted by the stakeholders and a healthy dose of political will. Rather than pitting one against another or allowing one to trump the other, our approach to both the “Spring Rise” initiative and the situation assessment will rely upon sound science while also addressing the political realities to strengthen the political will of the parties.

Balancing many voices from different cultures. Our approach encourages a broad, credible range of voices in order to produce results that are acceptable to a wide range of stakeholders. The voices of those interested in conserving water and protecting species will be blended with those of tribes, hydropower plants, barge companies, water suppliers, and recreational companies operating on the river. In order to create a space where people feel safe and empowered to make their voice heard, the process must be designed in away that is sensitive to cultural dynamics. The CDR Team has worked all over the world and has extensive experience in designing multi-cultural stakeholder engagement processes.

Moving beyond fears, misperceptions, and positions to address underlying needs and interests. Our approach helps parties move beyond statements expressing fear, dire consequences, or intractable positions embodied in testimonials such as “*Spring Rise will result in an unconstitutional taking of private property*” or “*Adaptive management of the Missouri River Basin means that biologists will run the river*” to expressions of underlying needs and concerns that can be addressed in a problem-solving manner. For example, in the latter illustration, the stakeholder may be conveying a public

concern that key parties be brought into the adaptive management process early; that they have well-defined and meaningful roles; and that transparency and good communication underpin such initiatives.

Understanding conflict as a system. Our approach to facilitating multi-party processes and conducting situation assessments is based upon understanding conflict as a system, including the culture within which a conflict takes place. Taking a systems view to conflict involves looking for interrelated actions and how they affect each other; identifying whole patterns of change and where in the system one might intervene to create constructive patterns of change. A systems model also looks at conflict from multiple dimensions (inside-out; top-down; bottom-up) and drives the strategic questions to be explored. In the case of the Missouri River a systems approach means paying attention to:

- ◆ Characteristics of the system and the culture of the conflict related to river recovery implementation in the Missouri River Basin
- ◆ Degree of internal coordination, support, and consensus that exists inside the COE regarding the MRRIC—who are the champions and what is their vision? To what degree is that vision shared by key stakeholders inside the COE?
- ◆ Level of consensus and common vision that exists among the COE and other federal agencies
- ◆ The view from the grassroots
- ◆ Other structures or groups currently involved in the system, e.g., Missouri River Basin Association, Missouri River Basin Interagency Roundtable, Missouri Natural Resources Committee, etc.; their role, and the relationship between the MRRIC and other groups

Building on best practices. There may be a variety of stakeholder groups around the country with significant experience in river recovery programs who may have instructive advice to share e.g., groups from the Everglades, Glen Canyon, Chesapeake Bay and the Columbia River). Our approach will build upon best practices and lessons learned from other stakeholder groups engaged in river recovery implementation issues. While the feasibility, menu of design options, scope of issues, and range of perspectives is unique to each stakeholder process, there are wise practices that can be strategically adapted and applied in other venues.

Enhancing stakeholder leadership. We believe that one of the key factors driving the success of any stakeholder process is strong leadership from the parties. Our approach promotes the development of leadership capacity among the parties as opposed to encouraging dependence upon the facilitators.

Providing conflict coaching. We have an extensive practice in providing capacity building in conflict resolution. Consequently, our team has significant experience in coaching all sides to a dispute (if appropriate) as part of an overall approach. The primary focus of this role is to help people develop their competence to engage in the resolution of conflict effectively.

Exploring issues of whether and how. The COE has agreed that a spring rise will occur in 2006 which may signal that the issue of “whether” has been put to rest. Yet there may be parties who want to explore issues that relate to the “whether” question rather than exclusively focusing on matters of “how.” CDR speculates that the approach may need to accommodate both “whether” and “how” issues depending upon their importance to the parties. For example:

- ◆ Do hydrological conditions exist under which a spring rise would occur?
- ◆ Should there be a stop protocol? If so, what would it look like?
- ◆ How will success be measured?
- ◆ How many spring rise cycles are needed to measure success?
- ◆ Are there any default plans that have been developed if the stakeholder process is unsuccessful

- ◆ What impacts will be modeled?
- ◆ Will peer review or some form of independent scientific review be employed

VII. STATEMENT OF TEAM MEMBER AVAILABILITY

In response to Selection Criteria #6, all team members are available to begin conducting work on the two proposed Missouri River initiatives immediately upon award of the contract and to participate in all scheduled meetings. All team members will make these combined projects their priority during the project's duration, especially through the summer of 2005.

The remainder of this section outlines the availability of each team member to work on the projects on a monthly basis, indicates their availability to attend the interview during the selection process and attend the initial organizational meeting, and identifies those dates that team members are not available from April through September.

CDR Team Members' Monthly Availability

The following table indicates the availability of each team member to work on the assessment between April and September 2005, specified in available hours per month:

| | April* | May | June | July | August | September |
|----------------------|--------|-----|------|------|--------|-----------|
| Christopher Moore | 24 | 100 | 160 | 120 | 160 | 160 |
| Mary Margaret Golten | 24 | 80 | 110 | 100 | 120 | 140 |
| Joseph McMahan | 24 | 130 | 160 | 160 | 130 | 145 |
| Leigh Price | 20 | 60 | 80 | 100 | 100 | 80 |
| Matthew McKinney | 20 | 100 | 60 | 100 | 80 | 100 |
| Julie McKay | 20 | 60 | 80 | 150 | 150 | 150 |

* Post award, April 26th

Attendance at Interview and Organizational Meeting

All team members are available to attend the interviews for final candidates in Omaha, Nebraska, on April 12th or 14th, and the organizational meeting and orientation in Kansas City, Missouri, on April 26th or 28th.

Unavailable Dates

The following table indicates the dates that each team member is not available to work on the assessment between April and September 2005:

| | April* | May | June | July | August | September |
|----------------------|--------|--------------------------------|----------------|------|----------------|-----------|
| Christopher Moore | 13-16 | 15-19, 23-27 | | 2-9 | | |
| Mary Margaret Golten | 26-27 | 12-17, 19-27 | 2-5, 20- 23 | 9-22 | 1-4, 15- 18 | 12-15, 30 |
| Joseph McMahan | | 4-5 | | | 25-30 | |
| Leigh Price | | 1-6, 12- 13, 16- 18, 23- | 6-10 | 1-4 | 22-31 | 5-7, 19 |

| | | | | | | |
|------------------|--|-------------------------|----------------------|-------|-------|-------|
| | | 31 | | | | |
| Matthew McKinney | 5-8 15 18-19 21-22 25-26 29 | 10-13 18-20 | 2-3 6-10 28-29 | 11-13 | 10-26 | 16-18 |
| Julie McKay | 27-29 | 3-5,12, 15-19, 25 | 8-10 | | | |

* Post award, April 26th

VIII. CONSTRAINTS, LIMITATIONS, AND CONFLICTS OF INTEREST

We do not know of any constraints, limitations, or potential perceived or actual conflicts of interests that are relevant to this project, and would place restrictions on our ability to complete the tasks identified in the Statement of Interest, Availability, Qualifications, and Cost Quotations.

IX. BILLING POLICY FOR PROJECT-RELATED TRAVEL TIME

Travel time for CDR Team members will be billed at the regular billing rate for each employee, with a cap of 8 hours of travel time in any calendar day.

X. COST PROPOSAL

In response to Selection Criteria #7, please see the total cost and hours of professional service to complete the proposed Scopes of Work for Project #1 and Project #2 that are attached to this proposal. The two cost proposals include the hourly rates for each team member, estimated hours required to complete all tasks (including travel), and the distribution of hours among team members. They also include travel and other anticipated direct costs.

Our budget proposals reflect a commitment to excellence by an extraordinary team of senior professionals. We strongly believe that this combination of deep conflict resolution experience combined with our proposed level of effort is appropriate for this technically complex, politically sensitive, and highly challenging initiative.

Christopher Warren Moore

Team Leader, Project #1 & #2

Membership in Professional Societies: Association for Conflict Resolution, Roster Member of the U.S. Institute of Environmental Conflict Resolution and the Native Dispute Resolution Network

Education:

Ph.D., Political Sociology and Development, Rutgers University, New Jersey, 1983

M.A.T., Teaching and Social Change, Antioch-Putney, Vermont, 1972

B.A., History, Juanita College, Pennsylvania, 1969

American River Water Contract and Environmental Impact Statement Negotiations, U.S. Bureau of Reclamation, the City and County of Sacramento, and East Bay Municipal Utility District, California. Dr. Moore conducted a situation assessment of a deeply entrenched water and environmental protection conflict in Northern California that helped bring concerned parties to the negotiating table. Subsequently, he designed and facilitated six months of multiparty meetings concerning the development of a Supplemental Environmental Impact Statement on use of American River water, protection of the environment, preservation of recreational amenities, and meeting municipal water needs in the San Francisco Bay area. The success of the meetings enabled key political decision-makers at local and national levels to reach a final agreement and resolve decades-long water conflicts in California's Central Valley and Bay Delta.

Reference: Stuart Somach,
Attorney for Northern California
water interests, (916) 446-7979

Carmel River Endangered Species Recovery Plan, California. Dr. Moore is currently mediating a habitat recovery plan for steelhead trout between the National Marine Fisheries Service and the California-American Water Company. Issues involve groundwater storage, pumping, dam removal, development of off-stream water storage, fish passage, stream flows, and habitat recovery.

Reference: Stuart Somach,
Attorney for Northern California
water interests, (916) 446-7979

Flaming Gorge Species Recovery Plan Partnering Workshop, Utah. Dr. Moore successfully designed and conducted a partnering workshop for multiple Federal agencies, states, tribes, power, and agricultural interests to promote positive working relationships and procedures for the implementation of recovery plan activities.

Green Mountain Reservoir Operation, Colorado. Dr. Moore conducted a situation assessment on the feasibility of mediation between the U.S. Justice Department, U.S. Bureau of Reclamation, Northern Water Conservancy District, and Western Slope water users over the operation of the reservoir and allocation of water during times of drought or when other operational constraints limit the availability or deliveries of water. The mediation is currently in process.

Klamath River Basin Mediation, Federal District Court of Oregon. Based on Biological Opinions of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service under the Endangered Species Act, the Bureau of Reclamation decided that only limited amounts of irrigation water from Upper Klamath Lake could be delivered to Klamath Project irrigators in Oregon and California during 2001. A group of project irrigators subsequently filed a request for injunctive relief. In denying their request, the federal judge encouraged the parties to enter a negotiation process to address Klamath Basin issues in a comprehensive manner. A mediation process was then convened under the supervision of the federal court. Dr. Moore led the team that conducted the situation assessment and prepared a report of its findings and recommendations. He also assisted the court in conducting mediation sessions. The mediation effort was suspended when project irrigators dismissed their lawsuit, which had served as the vehicle for mediation.

Reference: Carl "Bud" Ullman,
The Klamath Tribes,
(541) 783-3081

Okavango River Basin Commission (OKACOM) –Governments of Angola, Botswana and Namibia; USAID; US Department of State; U.S. Bureau of Reclamation, Gaborone, Botswana. Dr. Moore was a consultant to the Commissioners and staff from the three governments, representatives of the private sector, and NGOs to conduct a situation assessment, facilitate international negotiations and present collaborative negotiations training concerning the

References: Richard Ives,
Director, International Program of
U.S. Bureau of Reclamation,
(202) 513-0550

development of protocols and procedures for transnational water management issues on the Okavango River.

The Platte River Cooperative Agreement - Negotiations between the States of Colorado, Nebraska, and Wyoming; the U.S Fish and Wildlife Service and Bureau of Reclamation; and irrigation and power interests to develop a Recovery Plan on the Platte River for four Endangered Species. Over a period of four months, Dr. Moore successfully facilitated agreements on issues related to the regime of the river and peak and pulse flows (including “spring rise”) to implement a restoration plan for habitat for four endangered species – pallid sturgeon, piping plover, least tern, and whooping crane. Mediation improved relationships between parties, broke a deadlock between the states, and created a new more productive structure for negotiations.

References: Maryanne Bach, Great Plains Regional Director, U.S. Bureau of Reclamation, (406) 247-7600; Don Kraus; Task Force Member, NE Water Policy, (308) 995-8601; Ralph Morgenweck, Regional Director, U.S. Fish and Wildlife Service, (303) 263, 7960; Roger Patterson, Director, Department of Natural Resources, State of NE, (402) 471-2366

Sacramento Valley Water Management Agreement. Dr. Moore mediated an agreement between Northern and Southern California water interests to collaboratively develop water in the northern part of the state to meet basin and sub-basin needs and shortfalls, satisfy the State’s Water Quality Control Plan, meet water export interests for Southern California, and enhance environmental benefits.

References: Tim Quinn, Metropolitan Water District (Southern California water interests), (916) 650-2660; Stuart Somach, Attorney for Northern California water interests, (916) 446-7979

Settlement Negotiations in Kansas v. Nebraska and Colorado, No. 126 Original. The States of Kansas, Nebraska, and Colorado are signatories to the Republican River Compact, an interstate water compact apportioning the waters of the Republican River. In 1998, Kansas sued Nebraska in the U.S. Supreme Court over alleged violations of the Compact. The Supreme Court subsequently appointed a Special Master to oversee the case. CDR Associates was hired in December 2001 to assist the states in initial settlement discussions and was asked by the parties to continue working with them in April 2002. On December 16, 2002, the parties announced they had reached a settlement that would be forwarded to the Supreme Court for approval. It was approved in 2003. A key issue in the negotiations was the relationship of surface and groundwater in the basin. One key element of their settlement was the development of a joint groundwater model.

References: Roger Patterson, Director, Department of Natural Resources, State of NE, (402) 471-2366; David Pope, State Engineer, Department of Agriculture, State of Kansas, (785) 296-3710; Hal Simpson, State Engineer, Department of Natural Resources, State of Colorado, (303) 866-3581

State of Nebraska Water Policy Task Force. Dr. Moore successfully facilitated an 18-month, statewide policy dialogue project to review current legislation on surface and groundwater management and explore options for water transfers, and leasing and banking to improve the management and use of the state’s natural resources. The Task Force was composed of 49 representatives from irrigation, agriculture, power, recreation interests, state agencies, and Senators from the State’s Natural Resource Committee. Outcomes of the Task Force’s work included proposals, recommendations, and draft legislation. Proposals were submitted to the State Legislature in the spring of 2004 and were approved in total with requested appropriations.

References: Ann Bleed, Deputy Director, Department of Natural Resources, State of Nebraska, (402) 471-0569; David Cookson, Deputy Attorney General, Attorney General’s Office, State of Nebraska, (402) 471-0993; Dave Sands, Task Force Member NE Water Policy, (402) 438-5263

U.S. Department of the Navy, Camp Pendleton Marine Base; U.S. Bureau of Reclamation; and Fallbrook Public Utility District, California. Dr. Moore conducted a situation assessment on the feasibility of initiating settlement negotiations concerning a thirty-year law suit over water rights, allocation and cost-sharing for a water facility on the Santa Margarita River in California. He consulted with parties on procedures to develop a joint facility that would settle the law suit.

Joseph McMahon

Co-Facilitator, Project #1

Membership in Professional Societies: Association for Conflict Resolution, Roster Member of the U.S. Institute of Environmental Conflict Resolution, CPR Institute for Dispute Resolution, American Bar Association., Colorado Bar Association, Colorado Office of Smart Growth Panel.

Education:

J.D., University of Denver, Colorado, 1978

M.S., Civil & Environmental Engineering, University of Denver, Colorado, 1973

B.S., Engineering Science, United States Air Force Academy, Colorado, 1966

Jarbridge/Elko Nevada Public Lands Litigation (State of Nevada, Elko County, U.S. Department of Justice, and others), 2001. The U.S. Institute for Environmental Conflict Resolution employed Mr. McMahon to serve as a mediator in a highly contentious multi-party conflict concerning public access to forest land including the issues of Endangered Species, fire control, and local vs. national control of assets and decision-making. Mr. McMahon conducted an informal situation assessment, consulted with the USIECR and participants, and designed and proposed a series of meetings to address the issues – through joint training sessions and mediated negotiations. The process resulted in a draft agreement to be presented to each government’s ratifying authority.

References: Blaine Welsh, US Attorney’s Office, Las Vegas, (702) 388-6534; Kristin McQueary, Deputy District Attorney, Elko County, (775) 738-3101

Lowry Landfill Superfund Site (EPA, State of Colorado, City of Denver, and Waste Management Inc.), 2004-05. The U.S. EPA, State of Colorado, City of Denver and Waste Management Inc., engaged Mr. McMahon to facilitate a series of meetings among experts to assess the potential for modifying the site model in response to theories on specific preferential groundwater migration pathways. He thereafter mediated among senior agency and company representatives.

References: Nancy Severson, City and County of Denver, (720) 865-5365; Bonnie Lavelle, EPA, Project Manager, (303) 312-6579; Carol Rushin, Assistant Regional Administrator, Region 8 EPA, (303)312-6051; Dee Brncich, Waste Management, Chicago, IL., (630) 572-2460

Rocky Mountain Arsenal (US Army, State of Colorado, citizen groups), 2002. The U.S. Army and State of Colorado engaged Mr. McMahon to plan, and then facilitate, a series of meetings designed to exchange information among participants who were in an intense dispute concerning the effect on ground water of chemical residue resulting from munitions development, storage, and destruction. He provided a structure for and facilitated a series of complex technical exchanges that provided parties and local citizens with greater clarity concerning the health risks posed and treatment options. Mr. McMahon also assisted parties to engage in interest-based bargaining.

References: Vicky Peters, Colorado Attorney General’s Office, (303) 866-5068; Howard Roitman, CDPHE, (303) 692-2035; Charlie Scharmann, US Army, (303) 289-0180

Water District Valuation Dispute (US Department of Justice, Department of Navy and local irrigation district), 2004-2005 (ongoing). The Department of Justice, Department of Navy, and a local irrigation district engaged Mr. McMahon to mediate a dispute concerning the proper valuation of lands and water taken in condemnation and over the applicable legal standards and the finances of an irrigation district.

References: Douglas Wright, Department of Justice, (202)305-0304; Matt Clifford, (202) 305-0358; Bill Plummer, Private Water Consultant, (480) 992-4645

Mary Margaret Golten

Co-Assessor, Project #2

Membership in Professional Societies: Association for Conflict Resolution (prior member of the Board of Directors and Chair of Section on Environment and Public Policy), Roster Member of the U.S. Institute of Environmental Conflict Resolution and the Native Dispute Resolution Network

Education:

B.A., Psychology, Stanford University, Palo Alto, California, 1961

Bujagali (Uganda) Hydroelectric Project. This \$500 million dam project of the AES Corporation (an international power company) on the Nile River in Uganda near Kampala was to be funded partially by the International Finance Corporation. The project was highly controversial because of potential environmental, social, and economic impacts. In June 2000, following release of a draft environmental impact assessment by the sponsor, AES Corp, Ms. Golten convened and facilitated, in Washington, D.C., the first of three public input processes for international NGOs and other interested parties. After the final EIA was released in April 2001 by IFC, Ms. Golten and Stella Sabiiti, Executive Director of the Center for Conflict Resolution in Kampala (CECORE), convened and facilitated a public input process in Jinja, Uganda, near Bujagali Falls, the site of the proposed project. Approximately 200 people attended the meeting, most of them local villagers with widely differing views of the project. The meeting was conducted in Luganda (one of many local languages) and English. The IFC and World Bank staff also attended. On July 17 and 18, 2001, the third public process was held in Washington, D.C., after which recommendations regarding support for the project were made to the World Bank Board.

References: Shawn Miller, Project Manager, (212) 816-4956; Ronald Anderson, (202) 473-7953

Collegiate Range Project, Colorado (City of Aurora and West Slope interests in Colorado). Ms. Golten conducted a situation assessment concerning the City of Aurora's plan to build a major water project on the West Slope of the Rocky Mountains. In the assessment, Ms. Golten identified key parties, issues, and interests, clarified barriers to a negotiated settlement, and proposed a means to begin cooperative exchange of data and to proceed toward facilitated problem solving. Ms. Golten then worked with the cities of Aurora, Gunnison, and Crested Butte, the Gunnison County Commissioners, county planning staff, environmental organizations, and citizens' groups to design and develop a process for collaborative decision making.

Grand Canyon Visibility Transport Commission. Ms. Golten co-facilitated the Public Advisory Committee which was charged with developing consensus recommendations regarding emissions management options for reducing regional haze over the Canyon under the Clean Air Act for the Southwestern United States. The Advisory Council included eighty people representing industry, environmental groups, tribal groups, federal agencies (EPA, BLM, U.S. Fish & Wildlife Service, Forest Service, National Park Service), academics and scientists, and other citizens. Ms. Golten also facilitated key meetings of the highly technical Alternatives Assessment Committee. Finally, she helped design a series of public meetings, trained facilitators from the Advisory Committee to run those meetings, and co-facilitated several public meetings.

Reference: Kate Gorospe, (GCVTC), American Indian Environmental Office, EPA, (202) 268-7939

Klamath River Basin Intervention. During the winter and spring of 2001, the Klamath Basin (Southern Oregon/Northern California) experienced a severe drought, contributing to already over-appropriated water resources. In April of 2001, prior to the issuance of the US Fish and Wildlife Service (USFWS) and National Marine Fisheries biological opinions, Ms. Golten consulted with local Bureau of Reclamation and USFWS staff regarding local management of the impending crisis. Subsequently, Ms. Golten facilitated a full day public meeting, to provide the public with information regarding potential outcomes. As a follow up to the public meeting Ms. Golten facilitated a number of meetings among the three federal agencies during the week that final decisions were being made regarding management of the water crisis.

Reference: Kirk Rodgers, Regional Director BOR, (916) 978-5000

National Tribal Environmental Council/Office of Solid Waste Emergency Response (EPA). Ms. Golten provided facilitation for a one-and-one-half day dialogue among representatives of tribal governments, indigenous groups, the EPA's Office of Solid Waste and Emergency Response, and other federal agencies to address solid waste issues in Indian country. Her role involved assisting in the development of the agenda and design of the meeting, as well as facilitation of large and small group discussions. Preparation for the meeting included extensive contacts with members of tribal governments and indigenous organizations to discuss solid waste issues and priorities.

Reference: Timothy Fields, former Director of EPA Office of Solid Waste and Emergency Response, Tetro Tech EM, Inc, (703) 390-0648

Okavango River Basin Commission and the U.S. Bureau of Reclamation (Washington, D.C) – Collaborative Planning and Conflict Management for Trans-Boundary Water Basin Commissions. Ms. Golten participated in consultation and training for the Commissioners of the Okavango River Basin Commission. Weeklong meetings were held in Angola, Namibia and Botswana to design the subsequent joint training and consultation program. The program was then conducted in Botswana, with representatives of the three countries present, to explore the use of collaborative planning and cooperative dispute resolution in international integrated water management issues and disputes.

Reference: Richard Ives, Director International Programs, BOR/DOI, (202) 513-0550

Rocky Flats Nuclear Weapons Facility, Future Site Use Working Group. Ms. Golten led a team that convened and facilitated a public planning process for the Working Group which was charged with making recommendations to the U.S. Department of Energy regarding future use of the site. The U.S. EPA, the Colorado Department of Public Health and the Environment, the U.S. Department of Energy, environmental groups, small and large landowners, and development interests worked together for over a year to analyze and make recommendations regarding long-term future site use options. After a long, technically complex and often contentious negotiation, the entire group signed a document making a variety of recommendations to the U.S. Department of Energy.

Reference: Bonnie Lavelle, Region 8 EPA, (303) 312-6579; Steve Tarlton, CDPHE, (303) 692-3423

Tribal/Environmental Dialogue Project. Ms. Golten facilitated this project, funded by a grant from the Andrus Family Fund, to focus on strategies for reducing conflict among Federal land managers, environmentalists and tribes regarding access to and uses of land and resources in National Parks. CDR partnered with a tribal group (NATHPO—National Association of Tribal Historic Preservation Officers) and a leading conservation organization (NPCA—National Parks Conservation Association) to act as a Convening Team—bringing together stakeholder groups to discuss these issues. The culmination of the project was the “Pacific West Region National Park-Tribal-Conservation Organization Summit” in which three tribes, environmental groups and Parks came together for three days, on the Yurok Reservation, to look at long-term conflicts which, in many cases, went to the very heart of tribal sovereignty.

References: Steve Kelban, Executive Director, Andrus Family Fund, (212) 687-6975; Liz Raisbeck, VP National Parks Conservation Association, (202) 33406722; Don Barry, The Wilderness Society, (800) 843-9453; Dr. Thomas M. Gates, Tribal Historic Preservation Officer, Yurok Tribe Culture Department, (707) 482-1722

U.S. Environmental Protection Agency, Region VIII, Vasquez Boulevard/I-70 Site. Ms. Golten facilitated meetings of a Working Group of stakeholders to provide timely input to the EPA on the environmental investigations, risk assessment, and site management options for the Vasquez Boulevard/I-70 site. The Working Group was the main forum for discussing the scope of investigations, exchanging information, discussing comments, and identifying information gaps. It included members of five neighborhoods, the Colorado Department of Public Health and the Environment, the Agency for Toxic Substances and Disease Registry, the City of Denver Department of Environmental Health, and industry, as well as the EPA. The site, which has been recommended for Superfund listing, has arsenic, lead, and cadmium contamination. The community is predominantly Hispanic and Black, and largely low-income.

References: Bonnie Lavelle, Region 8 EPA, (303) 312-6579; Steve Tarlton, CDPHE, (303) 692-3423; Lorraine Granado, Executive Director, Swansea Neighborhood, Cross Community Coalition, (303) 292-3203

B. Leigh Price, Jr.

Senior Advisor, Project #1; Assessor, Project #2

Membership in Professional Societies: New Mexico State Bar Association, New Mexico Indian Bar Section, U.S. Institute of Environmental Conflict Resolution Native Dispute Resolution Network

Education:

J.D., Yale Law School

B.A., University of California, Berkeley; Massachusetts Institute of Technology

Collaborative Problem-Solving Design and Facilitation Support Pertaining to Oklahoma Intergovernmental and Interjurisdictional Water Quality Conflicts and Disputes. At request of the National Tribal Environmental Council (NTEC), the Council of Energy Resource Tribes (CERT), the InterTribal Environmental Council of Oklahoma (ITEC), and the Pawnee Nation of Oklahoma, Mr. Price assisted in a collaborative environmental problem-solving effort (currently on-going), regarding existing and potential conflicts in water quality standards between the State of Oklahoma and 39 Indian Nations in Oklahoma. The possibility of substantial and multiple conflicts between water quality standards has raised contentious issues regarding ecological, economic and cultural goals. Mr. Price conducted a preliminary situation assessment in this highly-polarized dispute and highly-politicized situation, involving multiple jurisdictions, very complex land ownership and jurisdictional patterns, and controversial legal issues involving the status of tribal lands and governments in the State of Oklahoma. Mr. Price assisted in the development of a collaborative problem-solving design to further assess the technical and political factors underlying the dispute and for collaborative processes to manage existing and future conflicts between tribal water quality standards and between tribal and state standards. Mr. Price is currently conducting on-going reassessment and facilitative interviews and discussions with numerous individuals and groups, including the Pawnee, Osage, Cherokee, Apache, and other Indian Nations in Oklahoma, the Oklahoma Independent (Oil and Gas) Producers Association, the Secretary of Energy of the State of Oklahoma, staff of the Oklahoma Department of Environmental Quality, EPA managers in Region 6 and Headquarters Offices, and staff of the Senate Environment and Public Works and Indian Committees.

References: David Conrad, Executive Director, National Tribal Environmental Council (NTEC), (505) 242-2175; Monte Matlock, Director, Department of Environmental Conservation and Safety, Pawnee Nation of Oklahoma, (918) 762-3655; Nancy John, Director of Environmental Programs, Cherokee Nation, (800) 259-5376

Indian Environmental Law Counsel to the Environmental Protection

Agency, Region 8. Mr. Price worked for over twelve years as legal advisor to EPA Region 8 with legal and programmatic expertise in the implementation of federal environmental laws in the context of Indian country and resolution of transboundary issues involving multiple federal, state and tribal stakeholders. He was responsible for familiarity with, and for facilitating team efforts to address, the broad range of legal issues arising under the Clean Water Act, the Safe Drinking Water Act, CERCLA, FIFRA, NEPA, ESA and other federal environmental laws. Responsibilities included problem-solving and the design of program management responses to numerous implementation challenges raising multi-party, intergovernmental issues pertaining to water and other resources. This work involved working closely and collaboratively with federal partners and the 27 tribes and six states in Region 8, including the tribal and state governments in Montana, North and South Dakota, Wyoming, Utah and Colorado, many of which have responsibilities and interests in the Missouri River Basin.

References: David Nelson, Director, Environmental Protection Department, Cheyenne River Sioux Tribe, (605) 964-6558; Bob Buffalo Boy, Director, Environmental Protection Department, Standing Rock Sioux Tribe, (701) 854-3823; Gary Collins, President, Mne Sose Intertribal Water Rights Coalition, (605) 343-6054; Connally Mears, Director, Tribal Assistance Program, EPA Region 8, (303) 312-6343

Mediation Pertaining to the Midnite Mine, Spokane Indian Reservation, Wellpinit, Washington. Mr. Price successfully conducted a situation assessment and mediation (currently in progress) between the EPA, the Spokane Tribe of Indians, and multiple Bureaus of the Department of the Interior, regarding appropriate clean-up of the Midnite Uranium Mine, including protection of water quality in ground and surface waters, both on and off the reservation. The dispute involves multiple stakeholders and highly complex technical and economic issues, as well as difficult legal and political issues of tribal sovereignty. At the Tribe's request, this mediation includes consideration of the appropriate role of the federal trust responsibility in EPA's administration of its statutory responsibilities, for example, CERCLA, the Clean Water Act and the Endangered Species Act.

References: V. Lee Scharf, Conflict Prevention and Resolution Center, Environmental Protection Agency, (202) 564-5143; Shannon D. Work, Tribal Attorney, Spokane Tribe of Indians, (208) 667-5486

Navajo EPA/Arizona DEQ Environmental Agreement. Acting as a third party neutral, representing the College of Law of Arizona State University, Mr. Price facilitated discussions between the Director of the Navajo Nation Environmental Protection Agency and the Director of the Arizona Department of Environmental Quality, leading to the development and adoption of an Agreement on Principles for cooperation between their respective agencies. Mr. Price assisted the parties in responding to historical polarization and conflicts over jurisdiction and governmental authority by identifying present areas of mutual interest and concern, assessing existing transboundary conflicts and opportunities for collaborative environmental management in the future, identifying cooperative interagency program management activities and initiatives, and detailing specific procedures for future interactions of the two agencies. Mr. Price developed a draft agreement that was adopted by the parties, establishing an unprecedented national model for collaborative state/tribal environmental management.

References: Sadie Hoskie, Director [formerly Director, Navajo EPA], Pollution Prevention, Pesticides and Toxic Substances Program, Region 8, Environmental Protection Agency, (303) 312-6390; Patricia Mariella, Ph.D., [formerly with the Arizona DEQ], Executive Director, Department of Environmental Quality, Gila River Indian Community, (520) 562-2234

Situation Assessment Pertaining to the Yerington Copper Mine, Yerington, Nevada. Mr. Price successfully conducted a situation assessment for the Environmental Protection Agency, in response to the request of the Yerington Paiute Tribe for assistance in working collaboratively with EPA, other federal agencies, the State of Nevada, other affected tribal and local governments, community organizations, and the mine owner to achieve agreement on effective and timely mitigation of radiation and other hazardous contaminants found in the surface and ground water. The assessment required expertise in designing, conducting and communicating a neutral situation assessment involving highly controversial and technically complex factors. Mr. Price's work involved a review of background information, an organizational meeting with the EPA, development of an interview protocol, identification of key stakeholder interests and specific individuals to be interviewed, conduct of confidential interviews, by telephone and in person, analysis of findings and consultation with the EPA, and delivery of the final assessment to the EPA.

References: V. Lee Scharf, Conflict Prevention and Resolution Center, Environmental Protection Agency, (202) 564-5143; Duane Masters Sr., Environmental Director, Yerington Paiute Tribe, (775) 463-7866

Matthew McKinney

Assessor, Project #2

Membership in Professional Societies: Association for Conflict Resolution, International Association for Public Participation, Roster Member of the U.S. Institute of Environmental Conflict Resolution.

Education:

Ph.D., Natural Resources Policy and Conflict Resolution, The University of Michigan

M.P.P, Public Policy, The University of Michigan

M.A., Environmental Ethics, Colorado State University

B.A., Humanities and Technical Journalism, Colorado State University

Big Hole River Watershed Management Group. Dr. McKinney designed and facilitated this citizen-driven, place-based collaborative process for 18 months. Issues revolved around drought, potential listing of the cutthroat trout as a threatened or endangered species, land use and water quality, and forest management. Participants included farmers and ranchers, conservationists and environmentalists, outdoor recreation enthusiasts, local, state, and federal governments, elected officials, and others. Over the years, this group has produced a model drought management plan, taken actions to prevent the listing of the cutthroat trout, and created an ongoing forum for civic engagement and deliberative dialogue.

Clark Fork River Watershed Management Task Force. At the request of the Montana legislature, Dr. McKinney conducted a situation assessment, designed a multi-party negotiation process, and co-facilitated an 18-month process to seek agreement on water allocation in the Clark Fork River basin in western Montana. Issues involved agricultural water rights, hydropower water rights, Indian reserved water rights, endangered species and interstate demands, and the growing demand for water to meet growth and development. The participants reached agreement on many practical ways to meet the diverse demands for water in light of the prior appropriation doctrine, reserved water rights, and endangered species priorities. A final report and set of recommendations was submitted to the Montana legislature.

References: Rep. Verdell Jackson, (406) 756-8344; Elna Darrow, Flathead Basin Commission, (406) 837-4400; Mike McClane, Department of Natural Resources and Conservation, (406) 444-1806

Instream Flow Negotiation. Over a period of nine months, Dr. McKinney successfully facilitated an agreement to resolve a long-standing dispute over the allocation of water. The mediated agreement among the Montana Stockgrowers' Association, the Montana Farm Bureau Federation, Trout Unlimited, and the Montana Wildlife Federation, and other parties was passed by the Montana Legislature on a 149-1 vote, and allows private parties to lease water from willing lessees to maintain and restore instream flows in Montana rivers and streams. This legislation has served as a model for other western states, and is being successfully implemented on-the-ground. The key to the agreement was integrating concerns over water rights and the prior appropriation doctrine with the need to provide some flexibility to meet changing social values.

References: John Bloomquist, Attorney representing Montana Stockgrowers' Association, (406) 443-2211; Bruce Farling, Director of Montana Trout Unlimited (406) 543-0054

Interstate Management of the Missouri River. From 1990 to 1997, Dr. McKinney served as an impartial policy analyst and then facilitator/mediator to resolve disputes over the interstate management of the Missouri. He worked closely with the Missouri River Basin Association (MRBA), including all eight states, 28 Indian Nations, and countless federal agencies. Dr. McKinney co-designed and co-facilitated a series of policy dialogues referred to as the Missouri River Assembly, which helped build trust, foster a common understanding of key issues and concerns, and re-energized the MRBA as a forum for multi-party dialogue and collaborative problem-solving. Provided strategic oversight to a series of facilitated negotiations on the annual revisions to the master manual.

References: Richard Opper, Director of the Montana Department of Environmental Quality (formerly the director of the Missouri River Basin Association), (406) 444-2544; John Thorson, formerly the director of the Missouri River Assembly, (510) 482-9910

Policy Dialogue on the Endangered Species Act. At the request of the Montana legislature and the Montana Department of Fish, Wildlife, and Parks, Dr. McKinney designed and facilitated a state-level policy dialogue on problems and proposed solutions to the Endangered Species Act. The participants reached several agreements that were formally presented to the U.S. Congress.

State-Tribal Relations in Montana. Dr. McKinney conducted a situation assessment and convened a series of policy dialogues to clarify and develop practical ways to improve state-tribal relations in Montana. He interviewed leaders from all seven Indian nations in Montana, as well as leaders in state government including the Governor. The dialogues opened channels of communication, built trust, and created more opportunities for Native Americans to be engaged in the affairs of state government.

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| <p>Reference: Lori Ryan, Montana Office of Indian Affairs, (406) 444-3713</p> |
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Yellowstone River Compact Commission. Dr. McKinney designed a dispute resolution system to resolve disputes over water allocation in the Yellowstone River between the states of Wyoming and Montana.

Julie McKay

Assessor, Project #2

Membership in Professional Societies: Association for Conflict Resolution, Roster Member of the U.S. Institute of Environmental Conflict Resolution.

Education:

M.A., International Peace Studies, University of Notre Dame, 1993

B.A., Peace & Conflict Resolution, University of California, Santa Cruz, 1990

Federal Leadership Forum (2000-2004). Ms. McKay is facilitating ongoing meetings of the Core Team consisting of managers from the Environmental Protection Agency, Bureau of Land Management, National Park Service, Forest Service, U.S. Fish and Wildlife Service, Department of Energy, and Bureau of Indian Affairs. The multi-stakeholder group is working to improve the federal NEPA process in the Oil and Gas sector. Ms. McKay also facilitates annual meetings of the Federal Leadership Forum which consists of senior regional leaders from the participating agencies.

References: Melody Holm, US Forest Service Rocky Mountain Region, (303) 275-5094; Barry Burkhardt, US Forest Service - Region 4, (801) 625-5157; Bill Daniels, US BLM Wyoming State Office, (307) 775-6105

Niagara Power Project, Niagara Falls, NY (2002-2003). Ms. McKay served as a co-facilitator for the re-licensing of the Niagara Power Project. The New York Power Authority (NYPA) used an intensive public involvement process, the Federal Energy Regulatory Commission's (FERC) Alternative Licensing Procedure (ALP), to develop a license application with broad stakeholder support. The ALP is designed to gather input and build agreements with stakeholders on environmental, socioeconomic, cultural, historical, and tribal issues connected to the operation of the power project. Ms. McKay designed and facilitated bimonthly stakeholder meetings of 100-200 stakeholder participants for the purpose of identifying re-licensing issues and making study determinations.

References: Neil Patterson, Jr., (716) 609-3818; Mark Mitskovski, County of Erie, (716) 858-7255; Lynda Schneekloth, lhs1@ap.buffalo.edu

U.S. Bureau of Land Management, Lower Snake River District Situation Assessment (2002). Ms. McKay conducted an assessment of the prospects for collaborative planning, including public participation, in order to address land management issues associated with the development of two Resource Management Plans. Key issues for the RMPs included grazing, OHV use, habitat for endangered species, and access for hunting and other recreational uses. Ms. McKay conducted over 50 interviews and prepared a detailed written report that included recommendations for BLM's public participation strategy.

Reference: J. Michael Harty, (916) 341-3328

U.S. Environmental Protection Agency, Region VIII, Upper Silver Creek Watershed Stakeholder Process, Park City, Utah (2000). Under the auspices of EPA Region 8, Ms. McKay convened a stakeholder group working to address hazardous substance sites in the Upper Silver Creek Watershed. She worked with the primary stakeholders to design an appropriate public involvement process, including public meetings, as an essential component of their deliberations. The group's goal was to reach agreement on clean-up alternatives within the CERCLA regulatory framework.

Wyoming Game and Fish Department, Local Sage Grouse Working Groups (2004-2005). Ms. McKay facilitates the South Central Local Sage Grouse Working Group (SCLSGWG), which meets monthly in Rawlins, Wyoming. The SCLSGWG is one of eight local groups established by the Wyoming Game and Fish Department (WGFD) to develop strategies for incorporation into the Statewide Sage Grouse Conservation Plan. The group consists of representatives from conservation organizations, industry, state and federal agencies, and agriculture. As part of the statewide working group effort, Ms. McKay designed a two-day facilitation skills training to equip facilitators and meeting participants.

References: Tom Christiansen, Wyoming Game and Fish Department, (307) 875-3225; Karen Larsen, LWG Chair, (307)328-2752

Wyoming Landowner/Sportsman Rendezvous, "Redefining our Common Ground" (February 2002). Ms. McKay served as a member of the facilitation team for a two-day meeting sponsored by the Wyoming Stockgrowers Association and the Wyoming Wildlife Federation.

Reference: Harold Bergman, Institute for Environment & Natural Resources, (307) 766-5080