

## MERIDIAN INSTITUTE AND OSPREY GROUP

### *STATEMENT OF INTEREST, AVAILABILITY, QUALIFICATIONS, AND COST QUOTATION: Missouri River Recovery and Restoration March 24, 2005*

#### **I. INTRODUCTION: OVERVIEW OF EXPERIENCE AND PROJECT TEAM**

Meridian Institute (Meridian) and the Osprey Group (Osprey) join forces again, proposing to collaboratively manage the two Missouri River Basin projects to completion through the Summer and early Fall of 2005. Because of our effective teamwork and successful completion of the project, *Barry M. Goldwater Range Task Force On Military Training and Endangered Species Protection*, and because we are uniquely qualified to complete both the agreement on a “Spring Rise” in the Missouri River Basin, as well as a situation assessment for a Missouri River Recovery Implementation Committee (MRRIC), we offer this proposal and relevant attachments. We are well positioned to manage this highly contentious set of projects because the Meridian/Osprey team offers the following:

- **Relevant project experience** working in the Missouri Basin on the *Missouri River Adaptive Management Pilot Project*, where through small and large scale modeling and pilot projects, multiple stakeholders are jointly developing approaches to achieve flexibility and resilience in the ecological and socio-economic systems of the river, and meet the needs of agriculture, water supply, hydropower, navigation, fish and wildlife habitat, ecological structure and function, and consumptive and non-consumptive recreation. In addition, we have conducted projects in other major ecosystem recovery efforts in the U.S., specifically in the Restoration, Coordination and Verification (RECOVER) of the Everglades Restoration efforts in Florida.
- **Third party expertise** and success in facilitating contentious water-related, ecosystem management, and other natural resource management agreements (inter-agency and multi-party), and efficiently completing comprehensive situation assessments that provide parties with clear, neutral advice on the potential to create mutually agreeable solutions. In addition, members of our team offer in-depth experience over the last twenty years convening and managing Federal Advisory Committees on complex environmental policy issues and decades of experience working with tribes around the U.S. on relevant natural resource issues.
- **Adaptive Management expertise** through development and operation of the Collaborative Adaptive Management Network (CAMNet). This team offers facilitation and technical expertise on the latest adaptive management approaches from some of the country’s most controversial ecosystem restoration experiments (see [www.adaptivemanagement.net](http://www.adaptivemanagement.net)). The National Academy of Science’s report on the Missouri River states, “The adaptive management paradigm provides a useful conceptual basis for framing management actions.” It could be invaluable to the Corps and key stakeholders to be working with our team of process and technical experts on Adaptive Management, as they attempt to meet multiple objectives in the restoration of the Missouri River.

Meridian/Osprey presents a qualified team of five facilitators and administrative support staff to simultaneously manage these two projects. Our team offers an efficient approach of staff involvement in some activities of both projects, with a division of labor into two teams to develop and execute each project. This approach offers the advantage of a highly experienced team, comprised of senior practitioners supported by junior facilitators, to make most efficient use of limited resources. Because of our experience in the Missouri River Basin, we offer two known,

neutral practitioners (one senior, Ms. Barbara Stinson, and one junior, Ms. Jennifer Pratt Miles) who have developed relationships with some of the diverse agencies and stakeholders in the region. Our other two senior facilitators have in-depth knowledge of natural resource issues, including water issues and endangered species concerns.

Barbara Stinson, Senior Partner, Meridian Institute, will be the project director for both projects. She will devote her leadership skills to effective design and execution of both projects, creating efficiencies in process design, gathering information, communicating with parties, conducting meetings, and producing products for both projects.

Ms. Stinson will be the lead facilitator for Project #1: Spring Rise Agreement, with support from Jennifer Pratt Miles, an experienced, locally-trusted mediator at Meridian. John Huyler, Principal, Osprey Group, also will facilitate Project #1 with Ms. Stinson, offering his considerable skills at achieving consensus agreements on challenging natural resource issues in short timeframes. In order to immerse the team in the details of the projects, and to build important personal rapport as soon as possible, all five facilitators are budgeted to attend the Core Planning Meeting #1, Intergovernmental Meeting #1, as well as the Public Workshop of Project #1.

Ms. Stinson will support the initiation of Project #2: Situation Assessment, which will be led by Dennis Donald, Principal, Osprey Group. Mr. Donald brings significant experience in leading situation assessments, most recently with the *Barry M. Goldwater Range Task Force On Military Training and Endangered Species Protection*. Dennis Ellis, a Meridian mediator who worked with Mr. Huyler and Mr. Donald in completing the *Goldwater Range* situation assessment, will support Mr. Donald through all tasks of Project #2. Assuming that Project #1 meetings can be coordinated with the Project #2 interview schedule, all five facilitators may be able to participate in the interview process, to some degree, in order to complete the Assessment in the time period outlined. Our approach will draw on the skills and experience of the senior team members for interviews with key, high-level individuals. For cost advantages, the two mediators with experience in the Basin and assessment processes will conduct some interviews and analyze and help assemble initial findings. All five facilitators will attend the Stakeholder Meeting at the conclusion of the Situation Assessment project.

A single, experienced, Colorado-based Meridian support professional will assist with the administrative functions associated with both projects.

The *Team Member Involvement Table*, below, summarizes our proposed teaming concept:

<b>Table 1. Team Member Involvement</b>	
<b>Project #1: Spring Rise Agreement</b>	<b>Team Member Involvement</b>
I – Task 1: Process Design, Core Planning Mtg. #1	All five
Task 2: Background	All five, though primarily Stinson, Miles, Huyler
Task 3: Tribal Coordination	Stinson, Pratt Miles
Task 4: Process Design	Huyler, Stinson, Pratt Miles
II- Task 1: Intergovernmental Mtg. #1	All five
Task 2: Technical Work Group Mtg. #1	Stinson, Pratt Miles
Task 3: Technical Work Group Mtg. #2	Stinson, Pratt Miles
Task 4: Intergovernmental Mtg. #2	Stinson, Huyler, Pratt Miles
Task 5: Public Workshop	All five
Task 6: Core Planning Mtg. #2	Stinson, Huyler, Pratt Miles
III-Task 1: Mediation of Specific Remaining Issues	TBD
<b>Project #2: Situation Assessment</b>	<b>Team Member Involvement</b>
Task 1: Background	All five, though primarily Stinson, Donald, Ellis
Task 2: Coordination Group Mtg. #1	Stinson, Donald, Ellis
Task 3: Interview Protocol	Donald, Ellis
Task 4: Identify Interviewees	Donald, Ellis
Task 5: Conduct Interviews	All five
Task 6: Analysis of Findings	Donald, Stinson, Ellis
Task 7: Draft and Final Situation Assessment	Donald, Ellis
Task 8: Stakeholder Mtg.	All five

## II. MERIDIAN/OSPREY APPROACH TO ADDRESS CHALLENGES

Meridian/Osprey proposes approaching these two projects in the manner outlined in the Request for Statements, generally. The tasks and timelines present a coherent, though aggressive, approach to addressing critical issues in the Missouri River Basin. Conducting two simultaneous deliberations provides an excellent opportunity to initiate discussions on both a short-term negotiation and the longer-term planning needed in the Basin. This approach could greatly benefit the procedural, relational and substantive issues that have plagued the responsible parties in the Basin for years. At the same time, we recognize that conducting concurrent discussions on inter-related substantive issues of critical importance to numerous agencies and stakeholders presents significant challenges.

Therefore, we suggest that the Core Planning and Coordination Group meetings at the outset of both projects involve a careful evaluation and confirmation of each project’s design. The Meridian/Osprey team is committed to meeting the objectives of both projects in the timeframe proposed, if the parties (agencies, tribes and stakeholders) are fully supportive of addressing both projects as outlined. We anticipate that the initial discussion of key issues and project challenges on both projects could result in project design changes. Our team is prepared to be flexible in our approach (as we demonstrated in the *Goldwater Range Task Force*) in order to meet challenges that

may arise. **We recommend proceeding with both projects, following the confirmation of final project designs for both projects (Tasks 1-4 for Project #1, and Tasks 1-2 for Project #2).**

Below, we present some of the other potential challenges we are anticipating, and some ideas to address them.

### **Coordination between Projects**

Overall, because of our past work in the Missouri River Basin, we suggest careful coordination between the two the projects, which are operating at different levels, involving some of the same parties, and proceeding simultaneously. We are aware that the issue of a Spring Rise for the 2005-06 Annual Operating Plan is a highly contentious topic, with extreme and varying views on whether this activity should be conducted and, if so, how. The relationship between the agencies and with the Tribes has been tenuous in the past, and the stakes of proceeding with a Spring Rise experiment are very high for many parties. We also understand that the Army Corps of Engineers must present a coherent plan, as stipulated in the U.S. Fish and Wildlife Service's Biological Opinion, for the upcoming Operating Plan. The good will of the agencies and Tribes to address this activity, as well as the willingness of the stakeholders to observe the process and comment on the inter-agency decision-making, must be preserved even if a Spring Rise recommendation cannot be achieved by the Intergovernmental Group. The Situation Assessment presents an opportunity for confidential interviews on the key issues and long-term future of the Basin, and may provide insights into how best to structure the deliberations on a Spring Rise for '05-'06. Trust built in both efforts will impact the prospects for successfully convening and managing the long-term project, MRRIC, should it be agreed upon. **We recommend careful coordination between projects, through a single project director, and through coordinated management of the project team on all tasks, in order to increase the chances of success of both projects.**

### **Project #1 Concerns**

We also understand that in this drought year, it may be difficult to eventually conduct a Spring Rise experiment, if it can be agreed upon. As a result, it is likely that the Spring Rise agreement will need to incorporate specific checkpoints throughout the upcoming season to help determine whether, and to what degree, a Spring Rise agreement can be implemented. **We recommend incorporating contingency plans into the context of a 2005-06 Spring Rise agreement for various drought scenarios in order to address parties' concerns about this possibility.**

Tribal participation and support of the development of Project #1: Spring Rise Agreement must be carefully structured and managed. Coordination among the large number of tribes and engagement of the Intertribal Water Rights Coalition, largely outlined in Task 3, Project #1, is crucial to the success of the agreement. Because of the important trust likely being developed by IECR during the initiation of Task 3 activities, we are conscious of the potential challenges associated with transitioning the activities of Task 3, Project #1 to Meridian/Osprey **and recommend careful coordination between IECR and the Meridian/Osprey team in managing these activities, with continued involvement by IECR, if appropriate.**

### **Project # 2 Design Issues**

In Project #2: Situation Assessment, the Request for Statements suggests the facilitation team conduct 50 interviews. We understand the difficulty of obtaining engagement and feedback from the full range key stakeholders for an effective process design for MRRIC. Meridian/Osprey is prepared to offer the opportunity for additional input from certain stakeholders through phone

interviews and Meridian's web-based, electronic survey that can be compiled and reported from a database of responses. In addition, with the number of tribes concerned about the long-term planning in the Basin, we could imagine conducting many interviews with various tribes alone. In conducting an extensive situation assessment for the Mohave Generating Station in Nevada, Meridian Institute met with and interviewed representatives of the Navajo Nation and Hopi Tribe in numerous contexts to obtain the necessary input. **We recommend working closely with the Coordination Group to identify all types of potential interviewees, and the best potential method to obtain input from the interviewees.**

For Project #2, we understand from our experience in the Missouri River Basin that there are numerous potential objectives and key issues that could be addressed by MRRIC, should it be formed. Generally, the objective of MRRIC may be to review and comment on proposals, and to advise the Army Corps of Engineers, as it executes its duty to meet the multiple needs in the Basin, address legal requirements, and meet Master Manual requirements in a timely manner. Thorough discussion of the potential objectives of MRRIC at the outset of Task 1, Project #2 will assist in the conduct of an effective Situation Assessment. **We recommend that the Situation Assessment Coordination Group develop and/or confirm detailed objectives for MRRIC, which can then be taken to interviews for comment.**

#### **Communication and FACA Issues for Both Projects**

Open, transparent communication about the activities of both projects to a broad array of agencies, industries and organizations is key to the success of the projects. **We recommend developing regular progress bulletins on both projects to the full database of contacts to be developed under Task 4 of Project #2.**

For Project #1, the project design must fully address the requirements of the Federal Advisory Committee Act (FACA). For Project #2, the future structure of MRRIC must meet the requirements of FACA. Meridian/Osprey experience in designing and managing federal committees over the last 15 years makes us intimately familiar with the opportunities and limitations of FACA. We can assist in guiding both projects to assure appropriate FACA compliance. **We recommend the use of specific federal documents, designed to inform decision makers about FACA, to support discussions in both projects.**

### **III. TASK DESCRIPTIONS**

Bearing in mind some of the potential project challenges identified above, we provide a description of the specific tasks of each Project. In the interest of a coherent and concise presentation, we have not repeated IECR's description of every task. As stated in **II. Work Approach to Address Challenges**, we believe the tasks are fairly presented in the Request for Statements. Below, we underscore areas in which there might be opportunities to gain efficiencies, areas where our experience might be particularly applicable, or areas in which there might be concerns. As noted above, the full team will be involved in aspects of each project. The project director will allocate staff resources appropriately to ensure both projects are completed effectively, within time and budget constraints. Meridian/Osprey assumes that expenses associated with conducting the meetings described will be provided through in-kind support at available facilities. Project logistical support and administrative functions associated with both projects will be provided by Meridian Institute. Meridian/Osprey will be pleased to complete an IECR questionnaire to support evaluation of the projects at their conclusion.

## **Project #1: Facilitation of Intergovernmental Process to Develop Agreement on a “Spring Rise” Proposal**

### **Phase I – Information Gathering and Preliminary Process Design**

#### **Task I-1      Meetings to Establish Parameters for Intergovernmental Process, Determine Participating Entities, Clarify Roles and Responsibilities, Identify Facilitation Needs**

Meridian/Osprey commits to developing a productive process that yields specific results (i.e., a recommended Spring Rise proposal, if possible) by August 2005. The first meeting with the “Core Planning Group” is slated to address the appropriate issues and challenges to ensure an efficient, effective launch to the project. All members of our team are available for the initial April 26<sup>th</sup> meeting in Kansas City.

The initial task of clarifying substantive and procedural expectations with the Core Planning Group is critically important. The Institute and the project team must be fully coordinated on the overall goals of this process and the ingredients for its success. Anticipating two intergovernmental plenary meetings, two technical working group meetings, and one public workshop and a relatively tight performance period during the summer, combined with a controversial issue and many stakeholders with diverse interests, these two initial meetings must set forth a performance road map that is clear, coordinated, and highly efficient.

Our team is committed to addressing the issues outlined in the Request for Statements at this initial meeting. This team is familiar with not only the substantive issues, but many of the procedural challenges. We have work experience with the Army Corps in many regions of the country, the natural resource agencies, numerous tribes around the U.S., and with the U.S. Institute. This experience will translate into making our initial planning focused and effective. At the conclusion of these meetings, our collective recommendations for moving forward will be memorialized in a summary report.

#### **Task I-2      Review Background Information**

Our team understands the importance of quickly gaining full knowledge of the substantive details of the “spring rise” issues. For us to have a better understanding of these issues and how they impact various stakeholders, we look forward to not only reviewing websites, technical reports, litigation decisions and regulatory documents, but hearing from those on the Core Planning Group. Our team understands Western water rights, endangered species issues, agricultural concerns, and many of the issues at stake for our nation’s tribes. Members of the team are currently involved in a pilot project on a stretch of the Missouri River, from St. Joseph to the Platte River, and in a statewide transportation planning effort in Missouri that will address various modes of travel, including the use of barges for moving agricultural commodities. Nevertheless, we want to ensure that each of our team members is fluent with the range of issues under consideration. Our team is comprised of quick learners and this task, typical in complex projects of this type, should not be terribly time consuming. To the extent practicable, members of the

team familiar with some of the “spring rise” issues will update the rest of the team, and a good deal of the background review will take place prior to the meeting with the Core Planning Group.

Task I-3 Tribal Representation Coordination

We understand that this crucial task has been initiated, and that there has been a history of consultation processes between the Corps of Engineers and the Missouri River Basin Tribes. We look forward to gaining additional understanding and insights about this history, the issues, and the relations between the Corps and the tribal representatives or Native American organizations. With the Institute beginning to explore these relationships and issues as they relate to the spring rise, we should be able to effectively engage tribal interests in a timely manner. We look forward to participating in the inter-tribal meeting the Institute will be facilitating. The Meridian/Osprey team understands the importance of building on these efforts, and working closely with the Institute and others, such as the Corps tribal liaison, to ensure the process we design meets the substantive and procedural needs of the Tribes.

Task I-4 Develop Draft Process Design, Operating Protocols and Ground Rules

Building off of the outcomes of the first three tasks, the team will develop a revised draft design for an intergovernmental decision process that is perceived to be responsive to the concerns expressed, fair, open, and legitimate. We recommend that all concerned stakeholders be given the opportunity to be informed of and comment on the revised draft design. Beyond the process design, we will also provide draft operating protocols that specify the purpose of the process and set forth expectations for all involved, from those representing agencies, interested stakeholders, and tribes, to the facilitation team. These protocols and ground rules can seem painfully obvious; however, they occasionally become quite meaningful as these processes continue, conflicts emerge, and representatives work to reach agreement. We are pleased to provide examples of past operating protocols for review, if desired.

**Phase II – Plan, Facilitate, Document, Follow-up Intergovernmental Plenary Meetings, Technical Working Group Meetings, Meetings of Core Planning Group, Public Workshop**

The six tasks outlined for the second phase of the “spring rise” project are the types of activities designed and managed by the five members of the facilitation team every day. These steps are needed to implement the agreed-upon process design or work plan that is the principal product of Phase I, Task 1. These steps will need to be carefully structured and managed, according to the outcome of Phase 1 of the project.

Task II-1 Plan, Facilitate, Document, and Follow-up 1-day Intergovernmental “Spring Rise” Plenary Meeting #1

Task II-2 Plan, Facilitate, Document, Follow-up 1-day Technical Working Group Meeting #1

- Task II-3 Plan, Facilitate, Document, Follow-up 1-day Technical Working Group Meeting #2
- Task II-4 Plan, Facilitate, Document, and Follow-up 1-day Intergovernmental Plenary Meeting #2
- Task II-5 Plan, Facilitate, Document, Follow-up ½-day Public Workshop on Intergovernmental Group’s Proposed Plan for 2006 “Spring Rise”
- Task II-6 Plan, Facilitate, Document, Follow-up 1-day Meeting of Core Planning Group

The Meridian/Osprey team agrees that this process design and projected meeting schedule has the potential to result in a proposed plan for a 2006 Spring Rise. There is sound logic to utilizing a Core Planning Group, and having the two Intergovernmental Plenary meetings take place in May and late July. In addition to the public nature of the meetings, it may be appropriate to consider involvement from other stakeholders in Core Planning activities at the outset and conclusion of this series of meetings. We recommend the development of progress reports or bulletins, outlining the progress of Project #1 to be distributed to the database of key stakeholders developed for Project #2.

The Technical Working Group meetings will take place between these two Plenary sessions, offering the opportunity to engage technical staff in the development of the agreement. Building upon input from the Technical Working Group meetings, the second Intergovernmental Plenary will offer the opportunity to reach agreement on a proposed Spring Rise agreement. After the second Plenary, there will be a Public Workshop followed by a final meeting of the Core Planning Group to incorporate, as appropriate, feedback from the Public Workshop and create the “final” spring rise plan for 2006.

Our team is committed to meeting certain characteristics that are common to each of the meetings in Phase II. In each instance, the facilitation team will prepare a meeting agenda, coordinate with the Core Planning Group, coordinate meeting logistics, insure that meeting materials are available in advance of the meetings and that presenters are prepared, facilitate the meetings, take notes during the session, and prepare a meeting summary. We will conduct a debrief session following each meeting, and follow-up as needed. We look forward to close collaboration with the Institute throughout these meetings.

**Phase III – Mediation of Specific Remaining Issues (if needed)**

- Task III-1 Travel to Mediation Meetings (if needed)

There is the potential that some outstanding issues may remain beyond the August time frame. While the goal will be to achieve a consensus recommendation on the spring rise plan for 2006, it is not unusual for some issues to remain unresolved, especially in a compressed schedule. Hopefully, these issues will be few and clear. In that instance, we stand ready to assist in mediating disputes that may need

resolution. Our team has experience with achieving final closure to mediation efforts, and finds outstanding issues can often be addressed effectively in a short period of time. It should be noted, however, that the strong preference is for all issues to surface early and be addressed through the Core Planning Group and Plenary sessions during face-to-face negotiations.

<b>Table 2. Key Project #1 Milestones</b>	<b>Target Date</b>
Organizational meeting with Core Planning Group	April 26
First Intergovernmental Meeting	May
Technical Working Group Meetings (2)	May - July
Second Intergovernmental Meeting	July
Public Workshop	Late July
Second meeting with Core Planning Group	August

## **Project #2: Situation Assessment for Missouri River Recovery Implementation Committee**

### **Phase I – Situation Assessment and Preliminary Process Design**

#### Task I-1 Review Background Information

Similar to the “spring rise” project, our team understands the importance of becoming familiar with the range of background information relevant to the creation of the Missouri River Recovery Implementation Committee (MRRIC). To reinforce this point, our team of practitioners can move up this learning curve easily. Every member of this team has experience with similar recovery teams, and two are familiar with the many of the issues faced on the Missouri River.

#### Task I-2 Organization Meeting with Situation Assessment Coordination Group

The initial organizational meeting of the Coordination Group is critically important. The one-day meeting will be an invaluable initial step that will allow our team to build an effective working relationship with key stakeholder representatives and to establish a common understanding of the situation assessment purpose and substantive and procedural parameters. Several of the following tasks will be partially addressed at this meeting. We propose coming to this meeting with a preliminary draft interview guide and refining it over the course of the session, as we gain additional insights about pivotal issues and potential sources of conflict. It will be useful for us to gain the Group’s input about future steps in the process (e.g., key individuals who or organizational interests which need to be interviewed or included early in the process). We will leave this meeting with a clear understanding of internal and external communication protocols and next steps for moving forward.

#### Task I-3 Develop Interview Protocol and Letter of Introduction

The letter of introduction and protocols for the interviews will have been discussed at the Organization Meeting, but this step will ensure there is clarity and appropriate follow-up after the meeting. The Request for Statements accurately describes the purpose of the letter of introduction. While we find face-to-face interviews are

preferable, we are prepared to offer telephone interviews to augment in-person interviews, as well as an online survey and database of responses. Additional stakeholder input, beyond the 50 interviews suggested in the Request for Statements, could be obtained through Meridian's web-based, electronic survey that can be compiled and reported from a database of responses, should it be determined that this would be useful. The letter of introduction and interview protocol must make clear the purpose of the assessment, outline the issues to be explored, and specify the time commitment to participate. We have found that with a professional approach at the outset of assessment processes, stakeholder interviews are candid and open. Typically, we recommend that all interviews be confidential, and that the results be reported without individual attribution.

Task I-4 Identify Key Stakeholder Interests and Specific Individuals to be Interviewed

We will leave the Organization Meeting with a preliminary list of key stakeholders to be interviewed. This list can be augmented by the Coordinating Group early in the process. We will build a contact database that quickly allows us to ensure an appropriate diversity of views, and that different categories of interested and potentially affected stakeholders are well represented. We have found it useful to push beyond the "usual suspects" in identifying potential interviewees. Clearly, those who have strong interest in MRRIC need to be included. However, frequently we find that there is a tendency to overweight the interviewee list with the most vocal. With 50 interviews, there is ample room to move toward potentially affected interests that might be well-versed in these issues, but have not played a prominent or highly-visible public role to date. To this end, it is helpful to ask the interviewees who else they recommend we talk with during the assessment. These "new" names can add to the sense of legitimacy and openness in the process, as well as frequently generating thoughtful and fresh ideas.

Task I-5 Schedule and Conduct Confidential Interviews

We will rely on an administrative support professional from Meridian to schedule interviews. Our goal will be to conduct the initial interviews in person. In the past, we have found it is useful to have a team of interviewers come to the area for a concentrated period of time (two to three days) and conduct several interviews during each of these days. So, hypothetically, three facilitators might be able to conduct 30 to 35 interviews over an intensive three-day period. We show all five facilitators as available to conduct interviews. We may recommend conducting several telephone interviews, if appropriate. We would balance the geographic and budgetary constraints to complete the interviews in the most cost-effective manner.

In conducting the interviews, we will rely on an interview guide. This instrument will be developed in conjunction with the Coordinating Group, and then pre-tested to ensure its usefulness. The guide, typically including a mix of open-ended or qualitative questions and others that are quantitative, allows for some limited statistical analysis. Each interview will use the same questionnaire in order to summarize responses. Individual attribution of statements will not be included. Rather, confidentiality will be stressed and the results reported in summary form.

Occasionally, actual quotes will be used, without attribution, to add richness or depth to the assessment.

**Task I-6**      Analysis of Assessment Findings and Meeting to Consider Implications

A preliminary report of the assessment findings will be prepared for the Coordinating Group in the form of a PowerPoint-type presentation on findings. While we would look to the Coordinating Group for feedback on the report, the ultimate assessment report will be solely the product of the Meridian/Osprey team, under the management of the Institute.

**Task I-7**      Prepared Draft and Final Situation Assessment Report

The Request for Statements describes the nature and content of the draft situation assessment. The report will identify the range of issues and concerns related to the Implementation Committee process, and describe areas of potential agreement and perceived or real conflict. Importantly, the report will assess the feasibility of a productive MRRIC process. In the past, we have prepared assessments that recommended moving forward with a stakeholder process, while in other cases others have found conditions to be unfavorable for a successful process. If positively recommended, we will set forth suggested design options for the Missouri River Recovery Implementation Committee process.

The draft report will be shared with both the Coordinating Group and the U.S. Institute for review, comment and feedback. We will consider all feedback, with the final report remaining the responsibility of the Meridian/Osprey team. We would plan to distribute the final report simultaneously to all interviewed.

**Task I-8**      Meeting with Stakeholders to Discuss Results of Situation Assessment

A ½ day meeting will be held with all stakeholders to review and comment on the assessment. The final report, including the specific design options for a productive MRRIC process, if recommended, will be the focus of the meeting. We will work closely with the Coordinating Group to ensure effective outreach for the meeting to all potentially affected interests. If appropriate, the meeting will conclude with support for moving forward with a thoughtful and meaningful process. The schedule for key tasks over time is shown below:

<b>Table 3. Key Project #2 Milestones</b>	<b>Target Date</b>
Organizational Meeting with the Situation Assessment Coordination Group	May
Draft Interview Protocol and Letter of Introduction	May
Identify Key Stakeholders to be Interviewed	May
Schedule and Conduct Interviews	May – July
Review Findings with Coordination Group	July
Prepare Draft and Final Assessment Report	August
Distribute Assessment Report	Late August
Public Meeting	Mid- September

## IV. QUALIFICATIONS OF ORGANIZATIONS AND TEAM MEMBERS

### **Overview of Meridian Institute**

Meridian Institute is a non-profit organization headquartered in Dillon, Colorado. Meridian focuses on designing, convening and facilitating multi-party, problem-solving and conflict resolution processes; assisting diverse parties in creative alliances and partnerships; designing processes which assist organizations in achieving sustainable policies and durable decisions; and advancing the understanding of collaborative decision making processes. Meridian is comprised of 28 professionals including senior, mid-level, and junior level facilitator-mediators. Barbara Stinson, serving as Project Director for this project, is one of Meridian's founders with over 20 years of experience in assessing, designing, and facilitating multi-stakeholder processes, including several that are particularly relevant to the Missouri River. Jennifer Pratt Miles and Dennis Ellis are both mediators with Meridian Institute, and offer a proven track record of accomplishment in the field. Additional information about Meridian is available at [www.merid.org](http://www.merid.org)

Meridian Institute is a partner in the Collaborative Adaptive Management Network (CAMNet), a network of practitioners in ecosystem-base management and ecological restoration, founded on the premise that advances in theory and standards of practice of adaptive management will occur most efficiently through interactive dialogue across disciplinary, organizational, institutional, and geographic boundaries. CAMNet's participants include resource managers, scientists, citizens and others from regional ecosystems across the country. Dr. Steve Light, Founder and Co-Director of CAMNet, has over 25 years experience in adaptive environmental assessment and management in regional ecosystem management initiatives across North America, most notably in the Everglades, and has written and published extensively on adaptive management. For additional details regarding CAMNet, please visit [www.adaptivemanagement.net](http://www.adaptivemanagement.net)

### **Overview of Osprey Group**

The Osprey Group was founded in 2000 to help organizations increase their effectiveness and develop solutions to public policy challenges. Osprey's specialty is working with governmental entities and nonprofit organizations. Substantively, our work is conducted in several areas: natural resources and the environment, managing conflict, transportation, organizational development, strategic planning, and international work. The Osprey Group brings unique strengths to this proposal. John Huyler has been a full-time mediator/facilitator since 1981. Before joining forces to form the Osprey Group in 2000, John and Dennis Donald worked together at The Keystone Center, where Dennis was the Director of its Science and Public Policy Program. Prior to that, Dennis was the Western Regional Director for the Nature Conservancy (TNC) for 6 years. The Western Region consists of eleven western states. Before his work with TNC, Dennis was the Deputy Director of the Colorado Department of Natural Resources for 7 years. Together John and Dennis bring an unequalled depth and breadth of experience to their environmental conflict resolution work. Additional information about the Osprey Group can be found at [www.theospreygroup.com](http://www.theospreygroup.com)

### **The Proposed Meridian/Osprey Project Director**

Ms. Barbara Stinson has extensive experience and expertise as a project director and facilitation team coordinator for large, multi-year collaborative efforts. From her time as a Senior Associate at the Keystone Center through her current role as a Senior Partner and Co-Founder of the Meridian Institute,

Barbara has proven her ability to provide effective collaborative leadership on complex projects. In over 20 years as a full-time mediator/facilitator, Barbara has developed expertise in crafting joint solutions to technically complex and highly contentious intergovernmental water use and natural resource management issues. Several prominent examples are cited below under Selected Relevant Project Experience.

Ms. Stinson's experience with the ESA and recovery of endangered species began in 1994 with her co-facilitation of the National Policy Dialogue on Ecosystem Management and extends to her current work on an Everglades Adaptive Management Strategy, and facilitation of one of the most contentious adaptive management experiments, the WCA-3 Decentralization Project (DECOMP). She also has gained expertise in convening and managing FACA-chartered committees since 1992, and currently serves as Project Director for EPA's National Pollution Prevention and Toxics Advisory Committee, also cited below. Ms. Stinson has completed numerous situation assessments, and in particular completed the sample situation assessment provided to numerous stakeholders and the Navajo Nation and Hopi Indian Tribes on future solutions for the Mohave Generating Station. Ms. Stinson brings deep and broad experience with adaptive management as a co-founder and co-director of the Collaborative Adaptive Management Network (CAMNet).

### **How the Proposed Team Members Meet the Selection Criteria**

We are proposing a team in which all members have some level of expertise in essentially every aspect of these two projects. In addition, each member brings particular strengths in several of the areas identified below.

#### **1. 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 nongovernmental stakeholders.**

Everyone on the Meridian/Osprey team specializes in resolving conflicts about natural resource management. Two team members offer masters' degrees in planning; one in public administration; and, one in environmental law. Barbara Stinson's resume describes no fewer than 12 major projects focused on "Forests, Ecosystems, Biodiversity and Natural Resources." Jennifer Pratt Miles' recent experience includes several projects involving large and small-scale ecosystem restoration and adaptive management (Everglades Adaptive Management Strategy, Everglades WCA-3 Decentralization Project, Missouri River Adaptive Management Pilot Project, and Collaborative Adaptive Management Network) and watershed management (New Mexico Collaborative Watersheds Project, Missouri River AM Pilot Project, Colorado Pilot of the National Watershed Health Project, National Watershed Forum). During his time as Legislative Director for a member of Congress, Dennis Ellis concentrated on a number of national natural resource and water policy issues touching all levels of government, NGOs and the private sector. John Huyler began his career in conflict resolution in 1981 as Director of the Metropolitan Water Roundtable. Set up and chaired by the Governor of Colorado, the Roundtable was, at the time, a groundbreaking experiment that brought together agricultural, municipal and environmental interests from both sides of the Continental Divide to formulate water supply solutions for Colorado's Front Range.

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

Barbara Stinson's natural resource projects typically involve active representation from sovereign tribal nations from around the country. From the involvement of the Miccosukee and Seminole Tribes as landowners in the Florida Everglades, to Hopi and Navajo Tribes as land and coal resource stewards in Arizona, and to the six tribal members of the National Pollution Prevention and Toxics Advisory Committee/ Tribal Issues Work Group, Ms. Stinson has assisted tribal nations in numerous government-to-government deliberations on natural resources and other environmental policy issues. The capstone of John Huyler's work with sovereign tribal nations was his involvement in the land settlement for the Catawba Indian Nation of North Carolina. Cited below, the settlement involved land claims dating back to King George III. Dennis Ellis worked extensively on a vast array of Tribal issues in Congress, and is currently the work group facilitator for the Tribal Issues Work Group of the National Pollution Prevention and Toxics Advisory Committee, a FACA-chartered Committee also described below. In his seven years as Deputy Director of the Colorado Department of Natural Resources and his six years as Western Regional Director for the Nature Conservancy, Dennis Donald dealt constructively with tribes in Colorado and other western states. Jennifer Pratt Miles' New Mexico watershed project involves working with the Jicarilla Apache Nation, the San Juan Pueblo and Santa Clara Pueblo, as landowners and sovereign tribal nations in the watershed.

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

Ms. Stinson's work with the ESA and recovery of endangered species dates back to 1994 with the co-facilitation of the National Policy Dialogue on Ecosystem Management, a three-year dialogue examining collaborative ecosystem restoration efforts in California, Washington, Maine, Arizona and Florida. Currently, she manages the Everglades Adaptive Management Strategy, and facilitates one of the most contentious adaptive management experiments, the WCA-3 Decentralization Project (DECOMP), both of which attempt to meet water supply needs for South Florida municipalities while accomplishing significant Everglades species recovery goals in the context of a system-wide monitoring and assessment plan for those species. The Congressionally-mandated *Task Force on the Barry M. Goldwater Range* was facilitated primarily by Dennis Donald, John Huyler and Dennis Ellis. The Task Force addressed the perceived conflict between the Range's military training mission and the protection of endangered species, notably the Sonoran Pronghorn Antelope. The adaptive management and collaborative approaches of the Recovery Team were applauded by the Task Force.

Dennis Donald's six years in a high management position with the Nature Conservancy was all about species protection and ecosystem management. Indeed, the mission of the Conservancy is "To preserve...the diversity of life on Earth by protecting the lands and waters they need to survive." Jennifer Pratt Miles was one of two Meridian professionals who facilitated the multi-stakeholder Colorado Wolf Management Working Group that developed consensus recommendations to the Colorado Division of Wildlife on how to manage endangered gray wolves that migrate into the state. Dennis Ellis focused extensively on ESA reforms pending before the House of Representatives, as well as resolving site-specific conflicts in the Rocky Mountain region. Barbara Stinson and Jennifer Pratt Miles are currently providing process design advice and facilitation for the Missouri River Adaptive Management Pilot Project, a multi-stakeholder effort to identify and implement pilot projects for river recovery in support of

the USFWS 2000 Biological Opinion and 2003 Amendment regarding the pallid sturgeon, piping plover and bald eagle, and community revitalization along a stretch of the river from St. Joseph to the Platte. At a recent workshop on February 11, 2005, participants developed a list of proposed pilot projects and are currently in the process of prioritizing these ideas for further investigation and site visits.

**4. Demonstrated experience and expertise in designing, conducting, and communicating neutral situation assessments involving highly controversial and technically complex circumstances.**

During the past five years, the Osprey Group has conducted neutral situation assessments in virtually all of its major projects. Prominent examples include the South Lawrence Trafficway in Kansas, the environmental cleanup at the former Lowry Air Force base in Colorado, the Upper Gunnison River Watershed planning process, a land use plan involving 3,200 acres for the City of Thornton in Colorado, and the Barry M. Goldwater Range in Arizona (cited below). In addition, Meridian also frequently conducts situation assessments. Jennifer Pratt Miles has conducted interviews for and contributed to drafting assessment reports for several controversial and technically complex projects, including the GMUG County Partnership in Restoration (CPR) through the U.S. Institute in 2003, and the Multi-Stakeholder Dialogue on Roadless Area Conservation in 2002-2003. Barbara Stinson conducted the extensive convening assessment for the Mohave Generating Station in 1999, from which excerpts are drawn for the sample situation assessment. These efforts always involve needed expertise in designing survey instruments, establishing interview protocols, and drafting reports that convey neutral and objective findings and conclusions.

**5. 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 effectively.**

All of the professionals of this team are collaborative to their core and have worked effectively with leaders in every sector: industry, government agencies, tribes, non-governmental organizations and elected officials. Our two organizations are founded and prosper because of our deep dedication to collaborative principles fairness, inclusion and equal access to information for all professionals at all levels. We are, individually and collectively, willing and able to work on behalf of all stakeholders to meet agreed upon goals and project designs for these two projects.

Among our Team's most significant strengths is the depth and breadth of our previous work together. For example, Barbara Stinson and John Huyler first worked together in 1985, at the Keystone Center. John and Dennis Donald worked together in a variety of venues when Dennis was the Deputy Director of the Colorado Department of Natural Resources, the Western Regional Director of the Nature Conservancy and the Director of the Science and Public Policy Program at The Keystone Center. Recently, John, Dennis Donald and Dennis Ellis worked intensely together on the IECR-sponsored, Congressionally-mandated Task Force that dealt with the perceived conflict between military training and endangered species protection on the Barry M. Goldwater Range in Arizona. Jennifer Pratt Miles worked with Barbara and others at Meridian for several years as Director of Shaping Our Summit, and more recently on all of the projects on the Everglades described below.

**Table 5. Summary of Experience:** In addition to compiling the individual and collective strengths described above, we offer the table below which lists three strengths that each team member considers most relevant to this submittal:

<i>Barbara Stinson</i>	<i>Dennis Donald</i>	<i>John Huyler</i>	<i>Jennifer Pratt Miles</i>	<i>Dennis Ellis</i>
<ul style="list-style-type: none"> <li>▪ <i>Environmental Conflict Resolution Experience</i></li> <li>▪ <i>Tribal and Endangered Species, and Adaptive Management Experience</i></li> <li>▪ <i>FACA-chartered Committees</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Situation Assessment Design and Execution</i></li> <li>▪ <i>Questionnaire design and analytical expertise</i></li> <li>▪ <i>Environmental Conflict Resolution Experience</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Environmental Conflict Resolution Experience</i></li> <li>▪ <i>Tribal and Endangered Species Experience</i></li> <li>▪ <i>Experience with water conflicts dating to 1979</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Missouri River Adaptive Management Pilot Project</i></li> <li>▪ <i>Collaborative Adaptive Management Experience</i></li> <li>▪ <i>Situation Assessment Design and Execution</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>FACA-chartered Committees</i></li> <li>▪ <i>Situation Assessment Design and Execution</i></li> <li>▪ <i>Tribal Experience</i></li> </ul>

**6. Availability to begin work immediately upon award of the contract, and to participate in all currently scheduled meetings. Ability and willingness to make this project your priority commitment during its duration, and ability to devote an intensive level of effort through Summer 2005.**

This team is able to commit the time needed to accomplish the tasks outlined. One of the advantages of the Meridian/Osprey team is our combined ability and willingness to accommodate the intense work schedule. Our full team is available to meet in Omaha, NB, on Tuesday, April 12, if selected for interviews. The table below offers the hours available and dates committed through the project periods.

<b>Table 6. Team Member Availability by Month</b>								
Team Member		APRIL	MAY	JUNE	JULY	AUG.	SEPT.	Total Hours
Barbara Stinson	Hours available	30	45-60	45-60	45-60	45-60	45-60	330
	Dates committed	April 13-15, 27-28	May 17-20	June 27-30	Open	Open	Open	
Dennis Donald	Hours available	20	80	80	60	40	80	360
	Dates committed	Open	May 18-27	June 7-9	July 25-31	August 1-12	Sept 20-21	
John Huyler	Hours available	20	80	80	80	80	80	420
	Dates committed	Open	Open	June 13-15	July 4	Open	Open	
Jennifer Pratt Miles	Hours available	40	40	40	80	60	60	320
	Dates committed	April 20	May 6, 17-20	June 20-30	July 1	Open	Open	

Dennis Ellis	Hours available	30	20	30	30	30	30	170
	Dates committed	April 27-28	May 10-11, 17-20, 23-26	June 1, 27-30	Open	Open	Open	
Team Total Hours Available for Project								1600

**7. Total cost and hours of professional service to complete the proposed Scope of Work, along with the collective value added by each member of the team.**

The projected time allocation by task and individual are reflected in the attached budget, Appendix A. As described in **III. Task Descriptions**, each project team member is allocated appropriate hours to make efficient use of their expertise and level of experience. The collective value added by each team member is best summarized in the description of the tasks, and in **IV. Qualifications of Organizations and Team Members**. See Table 5 Summary of Experience, for an outline of the strengths of each team member, as they relate to relevant criteria.

**8. Geographic proximity and travel costs to meeting sites in Missouri.**

Our entire project team is based in Colorado. Meridian’s facilitators and support staff are located in Dillon, CO and the two Osprey facilitators are in Boulder, CO. These locations give team members proximity to each other on a daily basis. Meridian’s travel billing policy is provided below, and will minimize the labor cost of travel to the parties. Travel expenses will be minimized through coordinated trips and shared rental cars. Air service to Omaha is convenient and relatively inexpensive (recent air fares from Denver to Omaha have been under ), and our Colorado location avoids the appearance or reality of any conflict of interest.

**9. Member of the U.S. Institute’s National Roster of Environmental Conflict Resolution and Consensus Building Professionals or equivalent experience.**

The members of the Meridian/Osprey team are either members of the Institute’s Roster (Stinson, Donald, Pratt Miles, Huyler) or have equivalent experience (Ellis).

**Selected Relevant Project Experience**

**Missouri River Pilot Adaptive Management Project**

Barbara Stinson and Jennifer Pratt Miles are currently working together conducting a multi-stakeholder scoping process to select projects and sites for a pilot adaptive management restoration program in three counties along the Missouri River. Through interviews, workshops, and site visits, stakeholders are working together to develop options that address community revitalization and river recovery along the pilot stretch of the river. Once proposed pilot projects have been prioritized and selected, a plan for implementation of the selected projects will be developed using a collaborative and adaptive approach. The pilot project is being designed so that it can be replicated in other communities and at larger scales in the Missouri River Basin.

**References:**

- 1) Jim Berkley, EPA Region 8, 303-312-7102
- 2) David Galat, USGS, 573-882-9426
- 3) Bob Kuzelka, University of Nebraska-Lincoln, 402-472-7527

### **Barry M. Goldwater Range Task Force**

Dennis Ellis, John Huyler and Dennis Donald recently facilitated the creation and development of a nine person, legislatively mandated task force established to determine and assess various means of resolving the conflict between the dual objectives of the full utilization of live ordnance delivery areas for military training and the protection of endangered species that are present at Barry M. Goldwater Range. The Task Force reached consensus on a report which assesses the situation on the Range, recommends various means of addressing conflicts that exist, and provides the costs and benefits of these recommendations. The report will be submitted to Congress within weeks.

#### References for Dennis Donald, Dennis Ellis and John Huyler:

- 1) Major Kal Irshad, ESOH Policy Officer, U.S. Air Force, 703-588-2028
- 2) Duane Shroufe, Director, Arizona Department of Game and Fish, 602-789-3278
- 3) Jenny Neeley, Southwest Associate, Defenders of Wildlife, 520-623-9653

### **Everglades Adaptive Management Strategy**

Barbara Stinson and Jennifer Pratt Miles are currently or have been involved in a series of projects related to the Comprehensive Everglades Restoration Program (CERP) and an adaptive management strategy for CERP. Through a series of collaborative workshops in 2003 and 2004, Meridian and its partner IATP assisted a team of scientists, the Everglades Restoration, Coordination and Verification (RECOVER) to: develop a preliminary adaptive management strategy; identify key policy/ science issues; delineate communication and decision making processes for key science and policy milestones; align multiple responsible agencies and organizations on the system-wide perspective on restoration; and agree on a long-term adaptive management process for the Comprehensive Plan. More recently, on January 20-21, 2005, Barbara and Jennifer facilitated a multi-agency workshop to investigate approaches to advancing the WCA-3 Decompartmentalization Project (DECOMP), one of 68 projects comprising CERP, and which is designed to re-establish water flow to Everglades National Park and Big Cypress National Preserve.

#### References for Barbara Stinson and Jennifer Pratt Miles:

- 1) Stu Appelbaum, U.S. Army Corps of Engineers, 904-232-1877
- 2) John Ogden, South Florida Water Management District, 561-906-9277
- 3) Nick Aumen, Everglades National Park, 561-735-6001

### **Catawba Land Claim Settlement**

As Public Participation and Negotiation Specialist, John Huyler devised and implemented the multi-party negotiation structure and provided ongoing advice regarding land settlement negotiations for the Catawba Nation in South Carolina. This land claim originated under King George III prior to the American Revolution. It was successfully settled and signed into law by President Clinton, Governor Campbell and the Tribe in November 1993

#### References for John Huyler:

- 1) Don Miller, Lead Attorney for the Native American Rights Fund, 303-449-9773
- 2) Gilbert Blue, former Chief of the Catawba Nation (forthcoming)
- 3) Chief Negotiator for the State of North Carolina (forthcoming)

### **National Pollution Prevention and Toxics Advisory Committee (NPPTAC)**

Barbara Stinson and Dennis Ellis are currently assisting EPA's Office of Pollution Prevention and Toxics (OPPT) in planning, convening, and facilitating a chartered Federal Advisory Committee

that provides policy advice to OPPT on its diverse programs. Topics for consensus advice include the High Production Volume (HPV) Challenge Program (covering chemicals produced in excess of one million pounds per year), pollution prevention programs, and the new and existing chemicals programs. This multi-stakeholder committee meets three to four times per year with four additional Work Groups conducting numerous meetings throughout the year.

References for Barbara Stinson and Dennis Ellis:

- 1) Charlie Auer, Office of Pollution Prevention and Toxics, US EPA, 202-564-3810
- 2) Richard Dennison, Environmental Defense, 202-387-3500
- 3) Laura Weber, St. Regis Mohawk Tribe, 518-358-5937

**New Mexico Collaborative Watersheds Projects**

Meridian Institute is currently providing or has provided facilitation and logistical services to nine collaborative watershed efforts in northern New Mexico that are in various phases of developing community-based, collaborative watershed groups and Watershed Restoration Action Strategies (WRAS) to address surface water quality and other, related natural resource issues of concern to stakeholders. Jennifer Pratt Miles is the lead facilitator for the Rio Chama watershed, which was identified in New Mexico's Unified Watershed Assessment (UWA) as a Category I watershed: a watershed in most urgent need of restoration. Over a three year period, Meridian is building local capacity and establishing a collaborative watershed processes to facilitate stakeholder involvement in Total Maximum Daily Load (TMDL) implementation, including source identification, plan implementation, and potential source control and clean-up activities.

References for Jennifer Pratt Miles:

- 1) Allan Pasteris, New Mexico Environment Department, Surface Water Quality Bureau, 505-827-2575
- 2) Diana Trujillo, USDA Forest Service, 505-581-4554
- 3) Robert Velarde, Jicarilla Apache Nation, Environmental Protection Office, 505-759-4296

**South Lawrence Trafficway (SLT)**

Dennis Donald and John Huyler convened, designed and facilitated meetings of the SLT Stakeholder Input Group in Lawrence, KS, and a retreat-type meeting of the Board of Regents of Haskell Indian Nations University held at the headquarters of the Native American Rights Fund. Products included a "Report to the Community" based on interviews with 30 individuals and summaries of stakeholders' perspectives. The report and summaries were sent simultaneously to decision-makers, the media and numerous individuals and stakeholder organizations. The Lawrence Journal World remarked in an editorial, "State transportation officials should listen carefully to the messages being conveyed in a Colorado consultants' report. The Osprey Group of Boulder, Colorado, has compiled what appears to be a balanced and accurate summary of public opinion concerning the proposed South Lawrence Trafficway. Although the consultants are newcomers to the SLT debate, their report reflects a relatively comprehensive grasp of the issues involved."

References for John Huyler and Dennis Donald (forthcoming)

## **V. BILLING POLICY**

### **Meridian Institute Time Reporting Guidelines - Travel Time**

Meridian Institute asks employees and contractors to record on timesheets the actual time when traveling away from their home or office location on business for the organization. Travel time is defined as the time it takes to go from your departure location (e.g., your primary office or home) to your arrival location (e.g., hotel), using the time zone of your departure location. Travel time may be charged to administration or to the relevant project. Travel time will be charged to the project when actual project work is being executed (e.g., preparing materials for a meeting during travel). It is acceptable for employees to work more than eight hours in one day due to travel time, if project work is being executed. Travel time that is incurred because of personal preference or personal travel combined with business travel is not to be recorded.

## **VI. CONSTRAINTS, LIMITATIONS AND CONFLICTS**

There are no constraints, limitations or conflicts of interest for any member of the project team or for either organization that would interfere with the execution of the two projects.

**APPENDIX A  
PROPOSED BUDGET**

**(attached separately, with cost estimates for each project on separate spreadsheets,  
but in a single XL document)**

## APPENDIX B

### SAMPLE CONFLICT ASSESSMENT – 5 page excerpt

#### Mohave Generating Station Collaborative Dialogue Convening Assessment Report January 25, 1999

#### Table of Contents

- I. Introduction
  - II. Brief Background and History
  - III. Description of Interview Process
  - IV. Interview Results: Issues Raised by the Parties
  - V. Interview Results: Process Concerns of the Parties
  - VI. Interview Results: Potential Outcomes Discussed with the Parties
  - VII. Facilitators' Analysis
  - VIII. Contact Information
- Attachment A: Interviewed Stakeholders

#### **I. Introduction**

Business for Social Responsibility (BSR) and Environment Now (EN), at the request of Southern California Edison (SCE), have jointly sponsored an assessment process to determine the feasibility of convening a dialogue to discuss the future of the Mohave Generating Station (MGS). The Meridian Institute, a non-profit mediation and facilitation organization, located in Dillon, Colorado, was asked by BSR and EN to explore the potential for a collaborative dialogue on options for the future of the facility.

Business for Social Responsibility is a national association of businesses, with more than 1,400 members and affiliated members, whose purpose is to help companies implement responsible business policies and practices. Bob Dunn, President, and Rebecca Calahan Klein, Vice President of BSR's Business and the Environment Program, are representing BSR during the process. Environment Now is a private, non-profit foundation dedicated to protecting, preserving, and restoring the environment by influencing public opinion and promoting responsible resource management. Environment Now seeks collaborative projects in which its assistance can contribute that "meaningful" difference for success. Mary D. Nichols, member of the Board of Directors of Environment Now, will consult with the parties in establishing a collaborative dialogue, should one be convened.

Barbara Stinson and John Ehrmann, Senior Partners of Meridian Institute, were hired by BSR and EN to conduct the assessment activities. Both facilitators have in-depth experience working with complex, multi-party processes involving energy, air quality, and community development issues. Rebekah Henszey, Program Assistant, assisted in conducting and summarizing many of the interviews, and in other aspects of the assessment process.

Meridian's role in the assessment process was to conduct an independent review of the issues and views of key stakeholders for the purpose of determining the potential for multi-stakeholder discussions, or a "collaborative dialogue" to examine feasible options for the future of the facility.

Meridian initiated the assessment with initial interviews of many of the key stakeholders. These interviews of a representative range of the involved and affected interest groups were conducted from late August through early October, 1998. This interview process is described in more detail in Section III of this Assessment Report. Additional interviews may be necessary in the future.

A “dialogue,” as contemplated in this Report, is defined as a process designed to facilitate direct, constructive interaction between key parties with diverse interests. Dialogues typically involve a series of meetings conducted in agreed upon locations with specific, agreed upon goals and objectives, meeting agendas, and activities. Parties agree to meet with the aim of addressing critical issues and areas of mutual concern, conducting problem-solving activities, and developing consensus agreements on future actions and next steps.

Factors that contribute to the successful launching of a dialogue include: parties’ willingness to address concerns in a collaborative fashion; adequate overlap in interests and concerns that leads to creative problem solving; and the willingness of the co-owners to convene and respond to parties’ concerns developed through the process. These and other factors will have to be considered by all of the key stakeholders before each party determines whether a dialogue might be an appropriate, constructive forum for their participation. Meridian Institute’s preliminary analysis of these factors is discussed further in Section VII below.

Whether a dialogue process is conducted or not, it is clear that the future of MGS impacts many constituencies. Key stakeholders are interested in the future of the plant, and in the potential impact of any changes made to the plant on their livelihoods and quality of life. Typically, parties will find forums to express their views on issues if not given a specific opportunity. If properly conducted at the right time, with the support of the key stakeholders, multi-party dialogues can offer a common forum for expression of views. They can provide an opportunity to conduct joint problem solving, and to develop broad stakeholder involvement in and support for an agreed upon outcome.

Many other process options in addition to a collaborative dialogue are available to determine the best potential options for the future of MGS. For example, the co-owners could conduct small group meetings or meet separately with each of the major stakeholder groups to discuss each of the major issues, including environmental, coal supply, utility commission-related, water, and other regulatory issues. Through discussion and/or negotiations, the co-owners could determine the most suitable, viable option for the plant based on the input of parties separately. *Since a collaborative dialogue is the principle process under consideration at this time, this Report specifically assesses the potential for convening this type of multi-stakeholder discussion.* It does highlight other process recommendations where those were received.

This Convening Assessment Report provides a brief history of the situation surrounding the operation of MGS, a summary of the initial interview process, a preliminary review of the major issues identified by key stakeholders, and Meridian’s preliminary analysis of the feasibility of a collaborative dialogue.

## **II. Facilitators’ Analysis**

Meridian Institute’s preliminary analysis of the interview results and the potential for convening a collaborative dialogue is presented below.

### ***Current Broader Context***

Discussions to resolve the current litigation brought by the Grand Canyon Trust, Sierra Club, and National Parks and Conservation Association are proceeding, but have not concluded at the time of this writing. On December 11, 1998 the co-owners of the plant announced a commitment to place additional emission control devices on MGS, or shut it down in ten years (or by 2007/2008). The announcement of additional controls augments devices already in place to further reduce any contributions the plant may be making to visibility impairment in the Grand Canyon and elsewhere in the southwest.

Many affected parties also are involved in a complex series of water issues known as the Lower Colorado River Adjudication (LCRA). The decision about the construction of an alternate source of water for the slurry pipeline is one of the issues under discussion in the adjudication. These situations could create uncertainties relevant to the future of MGS, and have an impact on the timing and content of a dialogue.

### ***Feasibility of a Dialogue***

***Factors for Consideration:*** Because of the commitment and cost of conducting a multi-party dialogue, parties need to be assured that if they enter into a dialogue, they will be participating in a meaningful, good faith attempt by all parties to collaborate. Several factors must be in place to conduct a collaborative dialogue as such:

- 1) There must be adequately important **issues ready** for discussion and decision making.
- 2) The significantly impacted parties affected by these issues must see benefit from and be **committed** to jointly addressing these issues in a collaborative fashion.
- 3) Impacted parties or key stakeholders usually must have an **overlap in interests** and concerns about the issues to warrant collaboration.
- 4) The **timing of discussions** must suit parties' other commitments, constraints, and timeframes.
- 5) There must be **adequate incentive** for each party to address another's concerns and conduct joint problem-solving activities (this would be a direct result of the co-owners commitment to respond to parties' concerns in their final decision).

If these factors are in place, a dialogue may have a chance of success if it is well constructed, with adequately enforced groundrules, and the parties can engage in some creative problem solving. These and other factors should be considered by all of the key stakeholders, and each party should determine whether a dialogue might be an appropriate, constructive forum for their participation.

***Analysis of a Potential Dialogue on MGS:*** Regarding the potential dialogue on the future of MGS, an analysis of each of the factors for consideration follows.

***Issues:*** It appears that there are adequately important issues, many of which are ripe for decision-making. Critical environmental and legal issues are being addressed in other forums, and the outcome of those discussions has direct bearing on a multi-party dialogue process. Collaborative discussions suit some of the stakeholders, but certain environmental and legal issues must be addressed for the plaintiffs of the litigation to determine it is in their best interest to participate in a broader dialogue.

***Commitment:*** Collaborative discussions suit many of the parties, but many critical issues must be addressed for all key stakeholders to evaluate whether collaborative discussions meet their goals

and objectives. Stakeholders also must have the opportunity to discuss and agree on the goals, content and next steps of a dialogue process. Commitments to that process that are adequate to resolve issues could follow from these determinations.

*Overlap:* The interests and concerns of parties are linked to each other in a complex manner. Many parties share concerns about the environmental, economics, social and cultural and regulatory issues raised. This complex overlap makes it necessary to carefully organize and prioritize the content and agendas of a dialogue group. Presumably, a collaborative dialogue could only proceed if an acceptable range of issues can be defined for information sharing and discussion.

*Timing:* The timing of collaborative discussions are affected by the utility regulatory deadlines of the future (an eventual 2001 deadline, as well as interim requirements). While the co-owners are anxious to proceed with discussions as soon as possible to meet these deadlines, key parties must agree on the timing of a collaborative dialogue and the sequencing of issues to be addressed.

*Incentives:* Regarding incentives to participate, it appears that there are significant incentives for a number of the parties. Many believe that a collaborative setting represents the best opportunity for crafting a proposal for the future of MGS that addresses the interests of all key stakeholders. Other stakeholders perceive that other forums may present better opportunities resolving issues. SCE has stated their commitment to responding in good faith to the concerns and ideas raised by parties in a collaborative dialogue setting. If parties believe their best avenue for influence over the outcome is a collaborative dialogue, this increases the incentives for parties to participate.

Depending on the progress of the broader contextual issues mentioned above, it is the facilitators' assessment that the issues surrounding the future of MGS could benefit from face-to-face, multi-party discussions. While parties need to make individual determinations as to the value of a collaborative dialogue, clearly with the release of the co-owners' proposal on December 11, 1998, some action will be pursued. Collaborative dialogue meetings may be of assistance in reaching mutually agreeable resolutions to some of the issues, but should be designed to meet specific, well-defined goals and objectives.

While a series of meetings over six months has been discussed, many options are available. For example, a limited number of targeted, bounded collaborative meetings aimed at resolving a specific set of defined issues over a shorter period of time may be worth consideration. Or, as previously mentioned, the co-owners could pursue meetings with representatives of key stakeholders separately. The purpose of these meetings would be to discuss each of the major issues, including environmental, coal supply, utility commission-related, water, and other regulatory issues. Through discussions/negotiations, the co-owners could determine the most suitable, viable option based on the input of parties separately.

### ***Possible Participants***

During the interviews, the facilitators discussed the level of participation sought by each party. Three tiers of potential participation were described: 1) Core stakeholders who have distinct interests and feel they need to represent themselves at every meeting; 2) Involved stakeholders who wish to be represented by another party and kept informed on a regular basis; and, 3) Members of the public who wish to be briefed periodically, knowing who they can call for further information at any time.

Interviewees were told that the goal for identifying participants in a process would be to invite the smallest number possible of directly affected interest groups to the table, recognizing that difficulty of collaborative decision making increases with the size of the group. Parties were asked whether they would be able to maintain the commitment of attending every meeting, and whether others might be able to represent their interests. Based on these findings and preliminary thinking, we suggest “core stakeholder” representation (14-17 total members) might include:

.....

For each interest group, we recommend that the agencies, companies and organizations determine who could best represent their interests on a regular basis at meetings that may take place in various locations. The facilitators can assist interest groups in making this determination. Interest groups would be asked to select representatives that can speak to the broader concerns of their constituencies, who communicate well, who have some experience with collaborative approaches, and who are available for between meeting activities.

### ***Possible Process***

While other process options could be developed, this Assessment Report primarily examines the potential for a collaborative dialogue. If a collaborative dialogue were pursued, BSR and EN would assist in assembling the dialogue group and would assist at multi-stakeholder meetings. Parties would initiate discussions by agreeing on a set of issues for discussion and specific goals and objectives for the process. Parties will need to review and agree on a set of draft groundrules that would govern the activities of the “core stakeholders.” Topics that would be addressed in the groundrules include: purpose of the group, representation, meeting attendance requirements, alternates, observers and technical support, decision making protocol, designation of a Chairperson (if needed), and role of the facilitator. It is expected that some travel support may be required for those who otherwise would be unable to attend meetings. The co-owners, and potentially others, would pool resources to pay for the meeting expenses, facilitation services, and travel.

As recommended by the parties interviewed, Meridian suggests that meetings be held in a variety of locations. It may be useful to conduct at least one meeting in the vicinity of MGS to allow for local tours and opportunities for interaction with the local stakeholders, including the Tribal governments. A dialogue process could take many forms, but likely would involve a specific number of meetings of the “core stakeholders.” A public meeting or meetings would be scheduled at appropriate times during the discussions to inform the broader public of activities and progress.

## APPENDIX C

### SAMPLE MEETING SUMMARY – 3 pages excerpts

#### Missouri River Adaptive Management Workshop February 11, 2005 Lied Lodge, Nebraska City, Nebraska

#### SUMMARY

**Workshop Attendees:** Jim Baylor, Bill Beacom, Jim Berkley, Scott Bovick, Dick Boyd, Darwin Bugg, Doug Doty, Damon Frizzell, Bob Hilske, Scott Luedtke, Kristie McKinley, Howard McNiff, Lanny Meng, Don Nelson, Jeff Parker, Mary Roth, Mick Sandine, Charlie Scott, Steve Sherrow, John Shadle, Jason Skold, Chad Smith, Jane Smith, Aaron Stalder, Billy Weaver, Steve Zimmers, Gene Zuerlein,

**Workshop Organizers:** Molly Boeka Cannon, Bob Kuzelka, Steve Light, Jennifer Pratt Miles, Meghan Sittler

#### Welcome and Opening Remarks

Bob Kuzelka and Meghan Sittler, University of Nebraska –Lincoln (UNL) thanked everyone for coming and thanked EPA and USGS for providing the funding to support this meeting, which follows up on a workshop that was held in March 2004. Ms. Sittler provided a brief description of adaptive environmental assessment and management (AEAM) and reviewed the purpose and outcomes of the March 2004 meeting. She noted that the 2004 meeting aimed to build shared understanding about the river and the communities along it and incorporate the views and knowledge of all. Ms. Sittler described the outcomes of the 2004 workshop as agreements to: move forward as a group to achieve flexibility and resiliency in the ecological and socio-economic systems of the river; maintain bottom land agriculture, water supply, navigation, fish and wildlife habitat, ecological structure and function and consumptive and nonconsumptive recreation; and identify small scale and large scale modeling and pilot projects to learn about the system and adapt practices and policies that are workable for all interests. She suggested that this workshop offers an opportunity to continue to learn together and move forward as an integrated, collective whole comprised of both humans and the ecosystem. Ms. Sittler stated that the goal for this workshop is to put the framework developed at the last workshop into practice and to identify project ideas and opportunities to create a river, community, region and ecosystem that are healthy and function in a mutualistic manner for all.

Jennifer Pratt Miles, a facilitator with the Meridian Institute also thanked everyone in attendance for contributing their time, reviewed the agenda for the day, invited questions or suggestions for the agenda, and initiated a round of self-introductions.

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#### Identification of Potential Projects

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Ms. Pratt Miles explained that the focus of the afternoon would be on this last goal, to develop a list of ideas for pilot scale adaptive management projects that could be implemented to address ecological, economic, and social needs along the pilot stretch. She referred to some of the ideas that came out of the March 2004 workshop - using “natural experiments” such as the spring rise that

occurs periodically at the Nebraska City gauge to learn how selected indicators respond to these events, or installing cottonwoods or large woody debris in the channel - to provide a sense of some of the types of projects that might be discussed. Ms. Pratt Miles then asked if there were any questions about the exercise, and hearing none, opened the discussion to meeting participants. The following potential project ideas were presented and discussed by meeting participants (*Please note that numbers are associated with proposed projects for ease of reference and indicate the order in which they were proposed, not any order of priority*):

**1) Meriwether Lewis Center for Missouri River Studies**

A proposal has been made by Jane Smith (owner of the Spirit of Brownville excursion boat) and others within the community of Brownville to establish an education center, museum and floating classroom that would provide education to the general public and offer potential research tools for university or high school students and others interested in monitoring the river. A plan has been developed and a proposal made to acquire funds for the classroom and curriculum development. Potential travel for the floating classroom could extend from Ponca, NE to Atchison, MO. It was suggested that programs be developed to explain pilot project/mitigation sites on the river, and that education about tributaries also be included.

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**3) Investigate development of a barge that could operate under low flow conditions**

A suggestion was made that funds and funding sources be investigated to develop a barge that would operate under low flow conditions. Don Nelson is currently working on the possibility for this technology with the chief scientists/engineers at the COE and will report the results of this effort to the group. A concern was voiced that barges on the Missouri are one small part of a much larger and more complex shipping system. It was suggested that therefore any new container design would need to fit with the existing infrastructure, since it is unlikely that the Missouri is generating enough shipping traffic and dollars to lead to the redesign of other parts of the system.

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**12) Restoration action to address interior drainage problems**

A variety of potential strategies related to levees were described, including going as far as placing levees around farmsteads and letting the water cover the farm ground to capture the nutrients contained within the sediment carried by the river. Setting levees back would provide flood storage and reduce nutrient loss.

**13) Split navigation season**

A split navigation season was suggested as another potential strategy to address multiple needs and interests on the river.

**14) Generate habitat on private lands**

It was suggested that the group investigate mechanisms that are “farmer and user-friendly” to generate habitat on private lands adjacent to or on the floodplain of the river. Lanny Meng stated that there may be several locations near his land that could serve as focus points for such a pilot project. Another participant suggested adding exploration of alternative production models (e.g. biomass or rice production) to this idea so that landowners could generate income at the same time habitat is created. It was suggested that there could be synergies between this idea and the efforts of the SWCD to develop wetlands easements with landowners, and that the WREP program of NRCS could provide funding for this type of project. It was also noted that the Lied Center is a working example of how biomass can be converted beneficially for heating and cooling purposes.

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**16) Recreate an ox-bow in the “10 mile stretch of the River”**

An ox-bow or some other, similar, large entity would be a significant undertaking. Within the ox-bow establish: a) recreational facilities (e.g. fishing, hiking, camping) consistent with environmental standards; b) wildlife habitat, particularly for birds and fish with special attention to reproductive requirements. This relatively confined area would allow controlled programs such as the timely use of dams and pumps.

**Criteria for Project Selection**

Ms. Pratt Miles then suggested that the group identify criteria to be used in the discussion about which of the proposed projects should be further explored and developed. She mentioned two criteria that had been agreed upon at the workshop last March or had already been mentioned during the day: projects should “raise all boats”, and we should focus on projects not already being done. The group agreed to the following criteria for selecting projects for further exploration:

- Raise all boats (meet the needs of all stakeholders; understand gains, losses and tradeoffs and do no harm)
- Not already being done
- Scope/cost (pilot scale)
- Feasibility/ Practicality
- Transferability/Replicability (can be applied on other reaches/at larger scales)

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**Next Steps**

The next steps for the process include:

- Meridian Institute will draft a workshop summary and distribute it to participants for comment.
- The workshop organizers will review and distribute for comment the goal of this group as it has been developed through the 2004 and 2005 workshops and the grant proposal.
- The workshop organizers, with input from the group, will implement a process for prioritizing proposed projects.
- Based on the results of that process, detailed next steps will be identified and implemented for each proposed project that requires further exploration (e.g. additional information collection, gathering input from additional stakeholders, scheduling site visits, etc.)
- Set date for next workshop. The group will review the results of above-mentioned next steps, finalize a decision about projects for which funding will be sought, and provide input on proposal(s) for funding for selected pilot projects.