



## **Proposal for the Missouri River Recovery and Restoration**

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

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

**Submitted by:**

**The Keystone Center and  
The Ecosystem Management Initiative  
School of Natural Resources & Environment  
University of Michigan**

**March 25, 2005**

**The Keystone Center  
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**Ecosystem Management Initiative ♦ University of Michigan  
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## 1. TEAM MEMBERS, ROLES, AND RESPONSIBILITIES

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The Keystone Center (TKC) and the Ecosystem Management Initiative (EMI) of the School of Natural Resources and Environment at the University of Michigan are partnering to bring the best expertise available to work on the Missouri River recovery and restoration efforts. The Keystone Center brings over 30 years of experience designing and facilitating consensus-building processes among diverse stakeholders on complex environmental policy issues. The Ecosystem Management Initiative brings leading thinking about adaptive management strategies and how to integrate those strategies into collaborative decision-making. They also bring familiarity and awareness of the Missouri Basin issues and stakeholders through their previous work in the Missouri Basin. Both organizations bring significant experience working with tribes and addressing complex issues of sovereignty in the context of natural resource management. The TKC-EMI team will bring high levels of process, technical, and policy expertise to bear on both the Spring Rise project and the situation assessment for the Missouri River Recovery Implementation Committee (MRRIC) for the Missouri River Basin.

### Sarah Stokes, TKC, Overall Team Lead and Spring Rise Project Lead

Hours: 270

Project 1: 213                      Project 2: 57

Sarah Stokes, Vice President of The Keystone Center, will provide leadership for the overall team and effort. Ms. Stokes brings 10 years of experience facilitating and mediating complex environmental policy issues that involve multiple government agencies, tribes, land owners, advocacy groups and other stakeholders. Sarah has significant experience successfully leading many multi-disciplinary teams, both at the project and organizational level. Sarah will play a role in both projects, though her role will be greater in the Spring Rise project, and she will team with Todd Bryan, EMI, to provide overall coordination. She will be the lead facilitator for the Core Planning Group and Plenary meetings in the Spring Rise project, and provide strategic direction and support for the situation assessment. She will ensure that the team is communicating well with each other and with project participants, and that tasks are accomplished in an efficient manner.

### Todd Bryan, EMI, Spring Rise Technical Lead and Situation Assessment Lead

Hours: 294

Project 1: 149                      Project 2: 145

Todd Bryan has many years of experience integrating adaptive management approaches with collaborative decision-making processes. In addition, he has previously worked on Missouri Basin issues with a range of stakeholders in the Basin. Todd will act as the technical lead for the Spring Rise project, helping to integrate adaptive management approaches with the development of the proposal. Todd will also provide continuity from the previous work he has done with Basin stakeholders. He will facilitate the technical

meetings and attend and help facilitate the plenary meetings. Todd will also serve as project lead for the situation assessment, working primarily with Steven Yaffee and Ed Moreno. Todd will work with Sarah to ensure coordination between the two projects.

Ed Moreno, TKC, Project Associate

Hours: 243

Project 1: 143            Project 2: 100

Ed Moreno has a wealth of experience facilitating collaborative processes on water issues and involving tribes. Ed will work on both projects and will assist in facilitation of most meetings. He will be responsible for drafting meeting summaries and providing other needed support at meetings. Ed will also help with the tribal and public outreach aspects of the projects. He will assist Todd in conducting interviews for the situation assessment and writing the report.

Steven Yaffee, EMI, Strategic Advisor

Hours: 87

Project 1: 29            Project 2: 58

Steven Yaffee is one of the leading thinkers on how to integrate adaptive management approaches to natural resources with collaborative decision-making. Steven will provide strategic advice to both projects given his expertise in endangered species recovery and adaptive management, his background on the issues, and direct experience in the Basin. He will play a greater role in the situation assessment and attend and help facilitate both the organizational meeting with the coordinating group and the public meeting to review the results. He will work directly with Todd and Sarah in providing advice and input to the projects.

Peter Adler, TKC, Strategic Advisor

Hours: 47

Project 1: 27            Project 2: 20

Peter Adler is a leading thinker on designing collaborative decision-making processes involving complex environmental issues such as water and land use, and has significant experience working with tribes and native groups. Peter will also provide strategic direction to both projects, but will play a greater role in the Spring Rise project. He will assist with the process design elements of both projects, and will review recommendations and work products to provide additional advice as necessary.

## 2. COMBINED STATEMENT OF QUALIFICATIONS

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### **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.**

Below is an overview of experience and value each team member brings to these projects. Please refer to Section 3 for descriptions of specific projects and references.

#### Sarah Stokes, TKC and Project Leader

Sarah Stokes, Vice President of The Keystone Center, has worked in the environmental conflict resolution field for over 10 years. In addition to serving as a senior manager of the organization and as a senior facilitator, Sarah is responsible for overseeing and developing executive education and leadership programs for The Keystone Center. These programs focus on providing senior leaders in corporations, government agencies, and non-profits with collaborative leadership skills and problem-solving techniques for working with stakeholders to resolve complex policy and community issues. Ms. Stokes' facilitation experience includes working on various intergovernmental negotiations, National Environmental Policy Act (NEPA)-related intergovernmental and public involvement processes, and natural resource management issues particularly related to Forest Service lands and ski area management, in light of controversial issues such as use of water rights for snowmaking, and reintroduction of the lynx. Her projects range from helping mediate the Rocky Flats Cleanup Agreement to directing the stakeholder involvement for the Sustainable Slopes Environmental Charter for ski areas in the U.S. Sarah is a member of the U.S. Institute for Environmental Conflict Resolution's national roster of environmental mediators.

Prior to working at The Keystone Center, Ms. Stokes worked as an independent environmental consultant for tribes and tribal organizations on issues of sovereignty, ski areas, and several non-governmental organizations, including American Farmland Trust, was a writer for the Center for Resource Management on sustainable development issues and has held numerous internships at various levels of government. She graduated from Middlebury College with a Bachelors degree in environmental studies, magna cum laude and with high departmental honors, and holds a Masters of Public Administration from Harvard University.

#### Peter Adler, TKC

Peter Adler, Ph.D. is President of The Keystone Center, which applies consensus-building and cutting-edge scientific information to energy, environmental, and health-related policy problems. The Keystone Center also offers extensive training and professional education programs to educators and business leaders and is home to the Keystone Science School in the Rocky Mountains. Adler's specialty is multi-party negotiation and problem solving. He has worked extensively on water management and resource planning problems and mediates, writes, trains, and teaches in diverse areas of

conflict management. He has worked on cases ranging from the siting of a 25-megawatt geothermal energy production facility to the resolution of construction and product liability claims involving a multi-million dollar stadium. He has extensive experience in land planning issues, water problems, marine and coastal affairs, and strategic resource management.

Prior to his appointment at TKC, Adler held executive positions with the Hawaii Justice Foundation, the Hawaii Supreme Court's Center for Alternative Dispute Resolution, and the Neighborhood Justice Center. He has served as a Peace Corps Volunteer in India, an instructor and Associate Director of the Hawaii Outward Bound School, and President of the Society of Professionals in Dispute Resolution. Peter received the Roberston-Cunninghame Scholar in Residence Fellowship at the University of New England, New South Wales, Australia, a Senior Fellowship at the Western Justice Center, and was a consultant to the U.S. Institute for Environmental Conflict Resolution.

Adler has written extensively in the field of mediation and conflict resolution. He is the co-author of *Managing Scientific & Technical Information in Environmental Cases* (1999) and *Building Trust: 20 Things You Can Do to Help Environmental Stakeholder Groups Talk More Effectively About Science, Culture, Professional Knowledge, and Community Wisdom* (National Policy Consensus Center, 2002), the author of *Beyond Paradise* and *Oxtail Soup* (Ox Bow Press, 1993 and 2000) and numerous other articles and monographs.

#### Ed Moreno, TKC

Mr. Moreno joined The Keystone Center in February of 2005. His diverse background includes a consulting company in facilitation, mediation, public involvement, consensus and communication. His dispute resolution practice includes the entire range of public involvement, stakeholder dialogues, negotiated rule-making, training, planning and design of collaborative processes, as well as communication counseling, media relations and publications. His subject areas include land, water and air, wildlife and other natural resources, tribal affairs and education. Clientele have included federal, state, local and tribal entities, private companies and non-profit organizations.

#### Todd Bryan, EMI

Todd Bryan has worked in the environmental and natural resource field for over 25 years and has spent the last 15 years as a mediator, trainer, and organizational consultant. Todd brings diverse experience and expertise to the mediation field, including endangered species protection with The Nature Conservancy; wetlands and flood plain regulation as a state government official; and watershed management and protection as a non-governmental organizational leader. As a mediator, Todd has worked extensively with federal, tribal, state, and local government agencies, non-governmental organizations, and communities. He has mediated complex disputes, consulted on organizational change, and developed interactive training workshops for the U.S. Environmental Protection Agency (EPA), Army Corps of Engineers, U.S. Department of the Interior, U.S. Forest Service, Department of Energy, and numerous state and local government agencies. In addition to the projects described in Section 3, Todd has also facilitated community-

based advisory meetings addressing the controversial monitoring and cleanup of the decommissioned Black Hills Army Depot in southwestern South Dakota. He also initiated, designed, and facilitated collaborative process within Cache Creek Watershed in northern California to improve water quality conditions resulting from mercury contamination.

Todd is a senior fellow with the Ecosystem Management Initiative (EMI) at the University of Michigan where he works with Steven Yaffee and others on integrating the scientific principles of ecosystem and adaptive management with collaborative decision-making. EMI specializes in fostering ad hoc structures of governance that enable resource management agencies to work collaboratively to monitor and manage complex ecosystems. In 2003, Todd co-taught, with Dr. Yaffee, an intergovernmental *Collaborative Resource Management* workshop focused on management and recovery of the Missouri River Basin ecosystem.

Todd has a Masters of Public Administration degree from the Kennedy School of Government at Harvard University and MS degrees in water resources management and landscape architecture (emphasizing ecological restoration) from the University of Wisconsin. Todd is also an adjunct assistant professor in the Graduate School of Public Affairs at the University of Colorado-Denver where he teaches popular courses in negotiation and conflict resolution, environmental dispute resolution, and managing conflict and change. He has also taught both negotiation and environmental mediation courses in the School of Natural Resources & Environment at the University of Michigan.

#### Steven Yaffee, EMI

Dr. Steven Yaffee is the Theodore Roosevelt Professor of Ecosystem Management and Professor of Natural Resource and Environmental Policy at the University of Michigan, and has been working in the area of natural resource management, public policy and dispute resolution processes for thirty years. He is an expert on the design and evaluation of multi-party collaborative processes in ecosystem management. His work includes: developing concepts for community-based conservation and environmental protection, evaluating innovative examples of on-the-ground ecosystem management, developing educational exercises and training approaches for enhancing the capacity of individuals to be effective at collaboration and ecosystem management, and creating new policies and organizational management strategies for implementing collaborative approaches in agencies and communities. His recent Island Press book, *Making Collaboration Work*, identifies key design criteria for effective collaboration based on studies of almost two hundred case studies of collaboratives. Over the past fifteen years, Steve has trained numerous individuals in negotiation, collaboration, and adaptive management, most notably through short courses and workshops conducted throughout the United States.

Steve has worked on Missouri River Basin management and endangered species recovery issues in several capacities, including leading a workshop on collaborative resource management in the basin and facilitating a preliminary meeting of stakeholder groups and agencies on design criteria for the MRRIC. These include facilitating a preliminary

meeting of stakeholder groups and agencies in discussing design criteria for MRRIC; serving as the keynote speaker at the Missouri River Natural Resources Conference in May 2004, speaking on the need for a collaborative Basin-wide recovery effort and highlighting strategies for moving forward; and designing and facilitating a workshop that sought to define the parameters for Independent Science Review in the Missouri Basin.

Steve also directs the Ecosystem Management Initiative, a center for ecosystem-based research, teaching and outreach, with extensive work underway in the area of collaboration, evaluation and adaptive management. Steve has been on the faculty at the University of Michigan since 1982. Previously he was a member of the faculty at Harvard University's Kennedy School of Government and a researcher at the Oak Ridge National Laboratory. His Ph.D. is from the Massachusetts Institute of Technology and he has Masters and Bachelors degrees (in resource planning and conservation) from the University of Michigan.

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

### Sarah Stokes, TKC and Project Leader

Ms. Stokes has worked with tribes through the Harvard Native American Program. Her work included research commissioned by the Tulalip Tribes of Washington and the Harvard Native American program and focused on how to approach government-to-government negotiations with tribes, and on current tribal environmental policies and procedures. Her article, *From Treaty to Trust: Considerations for Resolving Government-to-Government Disputes over Natural Resources* explored various considerations for effectively resolving conflicts and disagreements with federal agencies that respect sovereignty and reduce litigation. This report was used in efforts to establish a model tribal environmental policy act and was published and presented in the American Bar Association Section of Natural Resources, Energy, and Environmental Law 9th Annual Conference on Environment and Development in Indian Country. Sarah also worked with the Tulalip Tribes and Harvard Native American Program to document existing tribal environmental laws, and explore how a model tribal environmental policy might be used by tribes.

Through several facilitation projects, Sarah has also worked with tribal governments. These projects include the Federal Facilities Restoration Dialogue Committee described in Section 3.

### Peter Adler, TKC

Peter has extensive experience working with Native Hawaiian organizations on land use, public access, and Native American Graves Protection and Repatriation Act (NAGPRA) issues. His case experience includes facilitating a working group on implementing the Hawaii Supreme Court Public Access Shoreline Hawaii (PASH) decision, mediation on issues involving the repatriation of funerary remains from the Marine Corp's Mokuapu

Peninsula area, and, most recently, facilitating a meeting of tribal representatives on legacy waste on Indian lands for the Institute for Indigenous Resource Management in Denver.

#### Todd Bryan, EMI

Todd is a practitioner-member of the US Institute's Native American Dispute Resolution (NADR) Network. Although not extensive, Todd has worked successfully with tribes in the Missouri Basin dating back to 1994 when he contracted with US EPA Region VIII to mediate a conflict between the Yankton Sioux Tribe and a four-county solid waste management district near the Missouri River in southeastern South Dakota. Todd worked successfully with tribal government and county officials to reach a tentative agreement to jointly own and manage the landfill. EPA provided technical and financial expertise.

Todd has also worked with tribal governments and individuals within the Basin and throughout the West as part of both intergovernmental and community-based training workshops focused on collaborative natural resource management. Along with a Native American colleague, Todd also co-authored two interactive training exercises focused on collaborative ecosystem management involving endangered species, traditional ecological knowledge, tribal trust responsibilities, consultation, and co-management.

#### Ed Moreno, TKC

Ed is practitioner-member of the US Institute's Native American Dispute Resolution (NADR) Network. He has extensive experience working with tribes, including working with the Bureau of Indian Affairs (BIA), Office of Indian Education Programs on a negotiated rulemaking convened by the Secretary of the Interior to negotiate the terms of the BIA's regulations implementing No Child Left Behind requirements for Bureau-funded schools in Indian Country. The work of this effort was done through the use of a Federal Advisory Committee Act (FACA) committee. He served as lead facilitator for a collective tribal-state consultation process leading to the completion of the State Water Plan for New Mexico. All 23 of the resident Indian tribes in New Mexico were invited and most participated in the consultative process along with representatives of Governor Richardson's staff. The negotiation over policy statements focused on tribal sovereignty, water rights and economic development, the nature of a government-to-government relationship with a state government, and religious and cultural uses of water. Ed has also facilitated several regional water planning efforts involving diverse organizations and committees, along with representatives of local governments, and the participation of six Indian Pueblo tribes.

### **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.**

#### Sarah Stokes, TKC and Project Leader

Sarah's work with the Endangered Species Act (ESA) has been primarily research-based, including conducting the stakeholder assessment for The Keystone Center's Dialogue on Incentives for Private Landowners, and her research, *The Snail Darter, the Spotted Owl,*

*the Lynx and the Yampa: Litigation or Collaboration?* for the Kennedy School of Government in 1997. Several of the NEPA-based projects she has facilitated have included endangered species considerations.

Peter Adler, TKC

Peter has extensive experience with the Endangered Species Act and its implementation. Projects include facilitating a yearlong technical process that created a scientific and financial plan to stabilize and restore 28 endangered plants and two snails on Oahu with the U.S. Fish and Wildlife, U.S. Army, and U.S. Army Corp of Engineers; facilitating a highway siting and \$15-million interagency accord on a land exchange for the addition of habitat for an endangered bird species in Hawaii; and facilitating agreements on a Land Evaluation and Site Assessment (LESA) system for preserving prime agricultural lands on the island of Hawaii.

Todd Bryan, EMI

Todd's most recent work with endangered species recovery is the mediation of an intergovernmental conflict over selenium remediation standards and related actions to protect the federally endangered razorback sucker and Colorado squawfish in western Colorado waterways, including the Colorado River. Agencies involved in the dispute included the Bureau of Reclamation, US Fish and Wildlife Service, US Geological Survey, and the Colorado Division of Wildlife. Agencies reached agreement on a coordinated effort to fulfill research needs and plan recovery strategies.

Todd has also advised federal agencies required to comply with Endangered Species Act requirements in developing collaborative processes to better ensure stakeholder participation in and ownership of recovery efforts. Agencies included the US Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Geological Survey, and Army Corps of Engineers.

Finally, Todd formerly worked for The Nature Conservancy (TNC) where he established and managed a joint program between TNC, state, and federal government to catalogue endangered and threatened species and critical habitat data for protection, recovery, and environmental impact assessment.

Steven Yaffee, EMI

For thirty years, Steve has worked on endangered species recovery issues, and on the processes that enable groups to make joint decisions about recovery direction. His first book, *Prohibitive Policy: Implementing the Federal Endangered Species Act* (MIT Press, 1982) remains the seminal study of ESA implementation and provides a baseline that others have used to design and evaluate recovery efforts. A second book highlighted decision-making processes involved in making forest management decisions for spotted owl recovery (*The Wisdom of the Spotted Owl*, Island Press, 1994). He has also carried out numerous studies of ecosystem management, adaptive management and collaborative resource management efforts to understand the conditions that foster progress and has written extensively about these design considerations. He is known world-wide as the leading expert on the design of governance and collaborative problem-solving processes

in endangered species recovery. Besides studying and writing about these issues, he has facilitated collaborative groups who are actively working to create adaptive management strategies for endangered species recovery. Within the last year, these include: salmon recovery in Puget Sound, a habitat conservation plan for Seattle's Cedar River watershed, and an adaptive management framework for sage grouse protection for the Northeastern Nevada Stewardship Group.

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

Sarah Stokes, TKC and Project Leader

Sarah has conducted numerous situation assessments that have informed more formal dispute resolution processes. These have included assessments of incentives for private landowners in the implementation of the Endangered Species Act, public involvement assessments for the Rocky Mountain Arsenal and the Department of Energy's Oakridge facility, and a stakeholder assessment on revisiting the Record of Decision on the Shattuck Superfund site in Denver, CO. She also developed extensive information for EPA on an assessment of the role of the ski industry in sustainable mountain communities.

Through her research at Harvard, Sarah conducted numerous assessments of complex issues that involved stakeholder interviews and non-biased analysis including an assessment of the Animas-La Plata negotiations in Colorado, an assessment of how collaborative processes can help resolve disputes over the implementation of the Endangered Species Act, and an assessment of how interest-based negotiations can assist in public sector information technology adoption.

Todd Bryan, EMI

Todd has conducted numerous unpublished situation and conflict assessments designed to inform the structure of the mediation process. In the Cache Creek Watershed collaboration which Todd designed and implemented, the client, the California Water Resources Control Board, and the funder, the Hewlett Foundation, were interested in testing collaboration as a tool for improving watershed health. Todd completed an extensive situation assessment throughout the watershed and among the government agencies managing activities in the watershed. The situation assessment helped identify issues, interests, and constraints among the stakeholders and revealed a strong desire for a collaborative approach.

Todd is currently helping the Missouri River Local Input Forum Effort (LIFE) develop the requirements for a situation assessment and collaborative process design associated with the development of a community-based adaptive management plan for a stretch of the National Recreational River from Fort Randall Dam to Ponca, Nebraska. Todd has also conducted formal situation assessments for the following relevant projects: a statewide, consensus-based dialogue to develop new policies for the allocation of big game licenses in Colorado; a dispute between the Yankton Sioux Tribe and four-county

solid waste management district in South Dakota over the location of a proposed solid waste landfill under EPA jurisdiction; community-based advisory meetings addressing the controversial monitoring and cleanup of the decommissioned Black Hills Army Depot in southwestern South Dakota; and development of community-based partnerships for management of landscape-level watershed restoration pursuant to Forest Service policies for the Lincoln National Forest.

**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.**

As project leader of this team, Sarah will draw on her experience serving in collaborative leadership roles in her work at The Keystone Center. In addition to be the leader of several project teams, she has served on the senior management of The Keystone Center for four years as the Director of the Center for Science and Public Policy and the Director of the Center for Professional Education and Leadership. For the past year she also served as a member of a three-person team with Peter Adler to lead and direct The Keystone Center as a whole.

The TKC-EMI team has extensive experience leading and serving on collaborative facilitation teams. Todd Bryan has worked with several Keystone Center staff in the past, including Sarah Stokes on issues associated with Rocky Flats and her tribal work. Todd and Steve Yaffee have also worked together extensively at EMI. Todd will be provided office space at The Keystone Center as needed to further facilitate coordination and collaboration among the team.

**6) Availability of team members to begin the projects 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, but especially through the summer of 2005.**

Sarah Stokes, Todd Bryan and Ed Moreno are available immediately and can attend all scheduled project meetings. All three can also make this project their highest priority during its duration.

Steven Yaffee and Peter Adler will play advisory roles. Steven will play a more significant role in the design and convening elements of the MRRIC. He is not employed by the University during the summer of 2005 (May through August) and has allocated time needed to support this effort.

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

Please see the attached budget for cost and hour estimates for each team member.

Sarah Stokes, TKC and Project Leader

Hours and Cost: 270 Hrs.

Project 1: 213 Hrs.

Project 2: 57 Hrs.

Sarah brings significant experience working on intergovernmental negotiations, tribal sovereignty issues, and public participation processes. She will provide leadership to the overall team. Her experience directing projects and managing different divisions of The Keystone Center provides her with the experience necessary to lead this team. She will make this project a priority and will spend significant time on the project and with the team to ensure its success. Further, Sarah will bring expertise in how to most effectively coordinate the interagency negotiations with a public process and integrate this process with the on-going development of the MRRIC.

Peter Adler, TKC

Hours and Cost: 47 Hrs

Project 1: 27 Hrs.

Project 2: 20 Hrs.

Peter brings his wealth of expertise in designing and facilitating consensus-building and problem-solving processes on complex issues such as water and land use disputes. Peter is a recognized leader in the alternative dispute resolution process, and will provide strategic advice and expertise to the design of both processes, and be available for problem-solving throughout both projects.

Ed Moreno, TKC

Hours and Cost:

Project 1: 143 Hrs.

Project 2: 100 Hrs.

Ed provides value through his experience working with tribes and on controversial water issues. Ed will assist in all aspects of both projects, providing additional facilitation expertise where needed, drafting meeting summaries, and assisting with communication between the projects and with stakeholders to the projects.

Todd Bryan, EMI

Hours and Cost: 294 Hrs.

Project 1: 149 Hrs.

Project 2: 145 Hrs.

In addition to expert mediation and facilitation skills, Todd brings extensive experience and expertise in collaborative ecosystem management, adaptive management, water resource and watershed management, endangered species protection, tribal relationships, and intergovernmental collaborative structures. At EMI Todd is also working with Dr. Yaffee on the use of ecosystem mapping tools that aid in the situation assessment process. Todd is also familiar with Missouri Basin issues and co-taught, along with Dr. Yaffee, an interagency workshop on *Collaborative Resource Management for the Missouri River Basin*. Todd has also worked with Basin tribal governments.

Steven Yaffee, EMI

Hours and Cost: 87 Hrs

Project 1 29 Hrs

Project 2: 58 Hrs

Having facilitated several prior sessions on collaborative resource management in the Missouri Basin, Dr. Yaffee brings specific knowledge of Missouri Basin water management issues and interests along with a significant set of trusting relationships with diverse stakeholder groups in the Basin—both of which should enable our team to proceed faster with greater effectiveness. He also has a wealth of understanding of endangered species recovery and adaptive management, along with significant process design and facilitation skills. His experience in studying, designing and facilitating collaborative problem solving processes (which often require elements beyond those typically considered in dispute resolution) will help inform the situation assessment and design process for the MRRIC. In addition, we may draw on his methods of working with collaborative groups in creating adaptive management processes.

**8) Geographic proximity, travel time and costs from base of operations to the Missouri River Basin area.**

Sarah Stokes and Peter Adler, TKC

Sarah Stokes and Peter Adler live in Summit County, Colorado, Approximately 550 miles from Omaha, NE. Omaha is a direct flight from Denver and takes approximately 90 minutes and costs approximately

Todd Bryan, EMI

Todd Bryan lives in the Denver/Boulder, Colorado metro area, approximately 500 miles from Omaha, NE (where his sister lives). Omaha is a direct flight from Denver and takes approximately 90 minutes and costs approximately

Ed Moreno, TKC

Ed Moreno lives in Santa Fe, NM approximately 930 miles from Omaha, NE. Omaha is a connecting flight through Denver and takes approximately 4 hours and costs approximately

Steven Yaffee, EMI

Steven Yaffee lives in southeastern Michigan, approximately 690 miles from Omaha, NE. Omaha is a direct flight from Detroit Metropolitan Airport and takes approximately 2 hours and costs approximately

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

With the exception of Dr. Yaffee, all members of our team are practitioner-members of the US Institute for Environmental Conflict Resolution's National Roster of Environmental Mediators. Todd and Ed are practitioner-members of the US Institute's Native American Dispute Resolution Network.

### 3. RELEVANT PROJECTS AND REFERENCES

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#### **Keystone Center Experience:**

**EPA/US Forest Service NEPA Work on Ski Area Development (Sarah Stokes):**  
Mountain Resorts Planning Workshop - Lead facilitator for a three-day workshop on how to better coordinate local and federal planning efforts for mountain resorts. Workshop participants included representatives from the U.S. Forest Service, EPA, the Army Corps of Engineers, and state and local government agencies. The Workshop resulted in a set of draft elements for a collaborative planning and environmental review process for mountain resort development which was piloted in Colorado.

Copper Mountain Collaborative Front-loaded Interagency Process - Served as project director and facilitator and process consultant for an interagency collaborative effort aimed at improving interagency collaboration, coordination and communication for ski area approval processes. The process was piloted at Copper Mountain Resort and documented for use throughout Region 2 of the Forest Service and Region 8 of EPA.

National Ski Areas Association Environmental Charter Initiative - Project director working with the National Ski Areas Association (NSAA) to conduct an open collaborative process to develop a set of environmental principles for ski areas. The process was convened after the controversies associated with the arson fires on Vail Mountain and involved environmental groups, local, state and federal government agencies, user groups, and ski areas from across the country, and culminated in a Charter in the Spring of 2000.

Phil Strobel, EPA, (303) 312-6704, Strobel.Philip@epamail.epa.gov

Geraldine Link, NSAA, (303) 987-1111, glink@nsaa.org

Chuck Tolton, Director of Operations, Keystone Resort (formerly with Copper Mountain), 970-496-4190, ctolton@vailresorts.com

Dave Ozawa, U.S. Forest Service, 970-827-5167, dozawa@fs.fed.us

#### **Rocky Flats Cleanup Agreement Negotiations and Related Work (Sarah Stokes):**

Sarah served as a member of a team mediating negotiations between the U.S Department of Energy, the U.S. Environmental Protection Agency and the Colorado Department of Public Health and the Environment over the development of a new cleanup agreement for the Rocky Flats Environmental Technology Site. She managed electronic bulletin boards to facilitate information among the negotiators, and with the public. Lead facilitator for the technical work group responsible for developing the Cleanup Work Plan that includes the processes to guide cleanup as well as the schedules and the associated legally enforceable milestones. Co-facilitator for the work group that determined action levels and cleanup standards for Rocky Flats.

Rocky Flats Retreat - Assisted in the facilitation of a three-day retreat for the State of Colorado, the U.S. Department of Energy-Rocky Flats, and the U.S. Environmental Protection Agency, Region VIII. The retreat addressed issues surrounding consultation among the three parties.

Rocky Flats Summit - Facilitated a work group for the Rocky Flats Summit, a two-day meeting involving over 100 public stakeholders and agency officials to develop a vision for the future of Rocky Flats. The product of the Summit was considered in the negotiations of the Rocky Flats Cleanup Agreement and the Vision for Rocky Flats developed by the Department of Energy, the State of Colorado, and the Environmental Protection Agency. (1996)

Tom Looby, signatory for the State, tomlooby@summitcountymocrats.us  
Tim Rehder, EPA, 303-312-6293, rehder.timothy@epa.gov  
Dave Shelton, Kaiser-Hill, LLC, 303-966-9877, Dave.Shelton@rfets.gov

**Federal Facilities Environmental Restoration Dialogue Committee (Sarah Stokes):**

As part of a team of facilitators, facilitated a 50-person national dialogue, chartered under the Federal Advisory Committee Act, that focused on federal facility environmental restoration issues. Assisted in drafting and preparing the Committee's Final Report that included principles and recommendations for a model decision-making process and an agreed upon approach for setting priorities for federal facility cleanups. The FFERDC consists of representatives from EPA, DOD, DOE, and other federal agencies, state and tribal government agencies and associations, and environmental, citizen and labor organizations.

Assessments of the Public Involvement Processes for Remediation at the Rocky Mountain Arsenal (RMA) and Oakridge Reservation - Conducted a stakeholder assessment of the public involvement processes at the Arsenal and Oak Ridge and made recommendations regarding implementation of the FFERDC recommendations.

Merv Tano, International Institute for Indigenous Resource Management, 303-733-0481, mervtano@iirm.org  
Ross Vincent, Sierra Club, 719-561-3117, ross.vincent@sierraclub.org  
Tad McCall, Chair of FFERDC, Air Force (former affiliation), 703-697-9297, tmccall@plexsci.com

**Tribal work (Sarah Stokes and Ed Moreno):**

Model Tribal Environmental Policy Act: Research of Current Practices (Sarah Stokes)

Conducted primary research and interviews with approximately 20 tribal environmental officials on current tribal practices with respect to establishing and implementing environmental review and policies on tribal lands. This work was part of a project conducted by the Tulalip Tribes of Washington and the Harvard Native American Program to develop a model Tribal Environmental Policy Act for tribes throughout the country.

From Treaty to Trust: Considerations for Resolving Tribal Government-to-Government Disputes Over Natural Resources (Sarah Stokes) - commissioned by the Tulalip Tribes of Washington and the Harvard University Native American Program and published in the American Bar Association Section of Natural Resources, Energy, and Environmental Law 9th Annual Conference on Environment and Development in Indian Country, Conference Materials, 1997. This report explored various considerations for effectively

resolving conflicts and disagreements with federal agencies that respect sovereignty and keep litigation to a minimum.

Joseph P. Kalt, Co-Director, The Harvard Project on American Indian Economic Development, John F. Kennedy School of Government, Harvard University, 617-834-3544, jkalt@lexecon.com

Lorie Graham, Suffolk University (formerly at Harvard), 617-305-3025, lgraham@acad.suffolk.edu

Gillian Mittelstaedt, Tulalip Tribes of Washington, 425-427-6443, Gillian@seanet.com

Bureau of Indian Affairs (BIA), Office of Indian Education Programs (Ed Moreno) – Team facilitator for a negotiated rulemaking convened by the Secretary of the Interior to negotiate the terms of the BIA’s regulations implementing No Child Left Behind requirements for Bureau-funded schools in Indian Country. The Federal Advisory Committee Act (FACA) committee comprising federal and tribal representatives was divided into five work groups. Moreno was primarily responsible for facilitating the work of the funding work group, which developed a new funding formula for basic operations, special circumstances and unusual geographic factors.

Regional Water Planning (Ed Moreno) – Lead facilitator for regional water plan in the area encompassing Albuquerque; team facilitator for regional water plan in the area surrounding Santa Fe. Both processes were driven by diverse organizations and committees, along with representatives of local governments. The Santa Fe-area plan involved the participation of six Indian Pueblo tribes, whose level of participation was substantial and led to rapid acceptance of the plan by the state water authorities. The Albuquerque-area plan involved negotiations between a large citizens’ organization, the Water Assembly, and the Mid-Region Council of Governments, representing nearly 20 local governments, and remote communities of Hispanic and Indian water users, in order to achieve agreement on the plan.

Lucy Moore, 505-820-2166, lucymoore@nets.com

Estevan Lopez, Interstate Stream Commission, Director, 505-827-6103, elopez@ose.state.nm.us

### **Ecosystem Management Initiative Experience:**

#### **Tribal work (Todd Bryan):**

Lake Andes Landfill- Mediated dispute between the Yankton Sioux Tribe and four-county solid waste management district in South Dakota over the location of a proposed solid waste landfill under EPA Region VIII jurisdiction pursuant to Subtitle D of the Resource Conservation and Recovery Act. Helped parties clarify issues, explore alternatives to litigation and reach a tentative agreement.

Denise Wiyaka, former Yankton Sioux tribal counsel, Associate Director, American Indian Studies Program – University of Wisconsin, 608-263-5501, aisp@aisp.wisc.edu

Kerry Clough, Deputy Regional Administrator, US EPA Region VIII, 303-312-6308, clough.kerry@epa.gov

**Endangered Species and Natural Resource Management work (Todd Bryan):**

Selenium Remediation Standards- Mediated resolution of interagency conflict over selenium remediation standards and subsequent actions to protect the federally endangered razorback sucker and Colorado squawfish in western Colorado waterways. Agencies included Bureau of Reclamation, US Fish and Wildlife Service, US Geological Survey, and the Colorado Division of Wildlife. Agencies reached agreement on a coordinated effort to fulfill research needs and plan recovery strategies. Client: USGS.

Paul Von Guerard, Western Slope Subdistrict Chief, US Geologic Survey, 970-245-5257 x 14, pbvongue@usgs.gov

Rio Penasco Watershed Restoration- Consulted with professionals on the Lincoln National Forest in southern New Mexico on the development of community-based partnership for landscape-level assessment and watershed restoration pursuant to new US Forest Service policy. Helped the agency assess and develop key working relationships in the local community that aided it in overcoming polarized hostility stemming from national directives. Coached professional staff. Guided assessment. Communicated with broad community. Facilitated meetings. Client: Lincoln National Forest.

Peg Crim, Partnerships, Strategic Alliances and Collaborology, Lincoln National Forest, 505-434-7200, pcrim@fs.fed.us

Development of On-site Integrated Technologies - Facilitated a series of national-level intergovernmental dialogues for the Development of On-site Integrated Technologies program (DOIT), co-sponsored by the US Department of Energy and the Department of Defense. The purpose of the dialogues was to develop a common understanding of the challenges to restoring federal military and energy lands, as well as the unique technology needs required to do so.

Chris McKinnon, Program Manager, Western Governors Association, 303-623-9378, cmck@westgov.org

**Adaptive Management work (Steven Yaffee):**

Puget Sound Salmon Recovery - Designed and facilitated a workshop on Puget Sound salmon recovery that involved members of all 14 watersheds in Puget Sound in creating adaptive management strategies that worked at the watershed- and regional-levels.

Linda DeBoldt and Sarah McKernan, City of Seattle, Seattle Public Utilities, 206-684-5297, linda.deboldt@seattle.gov

**Missouri River work (Todd Bryan and Steven Yaffee):**

MoR LIFE - Todd is currently working with the Missouri River Local Input Forum Effort (LIFE) coordinating group to develop a collaborative process focused on the

development of an adaptive management plan that meets the needs of the landowners, residents, visitors and communities along the National Recreational River from Fort Randall Dam to Ponca, Nebraska. A written strategic plan developed through the collaborative process will serve as a “navigational chart” for future efforts in this reach. The plan will complement and ensure success of the Missouri River Futures (MoR Futures) effort organized by W. Don Nelson, chief of staff for Senator Ben Nelson (NE). The process is also being designed to help coordinate governmental agency efforts.  
Client: MoR LIFE

Wayne Nelson-Stastny, Fishery Biologist, Missouri River Fisheries Center, 605-223-7703, Wayne.Nelson-Stastny@state.sd.us

Scott Wessel, NE Game and Parks Commission, 402-370-3374, swessel@ngpc.state.ne.us

Collaborative Resource Management in the Missouri Basin - Steve led and Todd co-designed and facilitated a workshop on “Collaborative Resource Management in the Missouri Basin,” which brought together 35 senior resource managers from federal and state agencies and tribal governments in a 5-day workshop format to explore a more collaborative style of management for the Basin, and to envision ways to move forward past the polarized conflict that has been the norm. A similar format was used in a previous workshop that focused on Pacific Northwest issues, and a more recent one that focused on Western Colorado issues. Clients: U.S. Department of Interior, Office of Collaborative Action and Dispute Resolution, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers

Jim Berkley, U.S. Environmental Protection Agency, 303-722-7820, berkley.jim@epa.gov or jbberkley@comcast.net

Elena Gonzalez, U.S. Department of the Interior, 202-327-5352, Elena\_Gonzalez@ios.doi.gov

Linda Manning, SRA International, 703-247-4732, Linda\_Manning@sra.com

## 4. BRIEF DESCRIPTIONS OF PROJECT APPROACHES

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

#### **Introduction**

Intergovernmental negotiations on natural resource issues are a complex matrix of regulatory requirements, overlapping jurisdictions, public mandates, and competing interests about the use and protection of public and private resources. These negotiations are made more complex due to the highly controversial nature of shared water resources. Added to these challenges, the Missouri River Basin is a huge landscape with longstanding conflicts over multiple issues and has a full range of stakeholder groups that are interested and motivated to pursue their interests. At the same time, agencies operating in the Basin need to involve close to 30 tribal nations, yet find a way to proceed under significant time constraints.

The Spring Rise project requires immediate and effective attention. In response, The Keystone Center (TKC) and the Ecosystem Management Initiative (EMI) in the School of Natural Resources and Environment at the University of Michigan are partnering to provide a comprehensive and timely approach to developing a more collaborative decision-making context, which integrates adaptive management strategies into the Missouri River Basin recovery effort. The Keystone Center brings over 30 years of expertise in designing and facilitating problem-solving processes to complex environmental policy issues. The Ecosystem Management Initiative brings leading expertise in marrying natural resource adaptive management approaches with collaborative decision-making processes. EMI also brings direct and timely experience in working with Missouri River Basin stakeholders on establishing more collaborative approaches to natural resource management. As a result, the TKC-EMI team has the unique advantage of being able to build on relationships already established with Basin stakeholders, and brings the appropriate process and technical expertise to bear on the Spring Rise project immediately.

Based on this experience, we will address several critical factors in our approach to the Spring Rise negotiations. The factors include the following:

- **The Spring Rise negotiations will set the tone for the larger discussions around the implementation of MRRIC.** How this discreet project is conducted will have significant implications for how the parties will work together over the longer term. The Spring Rise negotiations will also provide an opportunity for stakeholders to determine how the agencies involved interpret their commitments to collaborate.
- **Traditional approaches to public involvement will need to be augmented for a Spring Rise proposal to be successful in the timeframe required.** Simply making meetings open to the public and providing brief opportunities for public

- comment will not be sufficient; additional mechanisms will be required to meaningfully engage the wide range of stakeholders vested in this issue.
- **New approaches to engaging tribal governments in the negotiations will be necessary for success.** Tribal sovereignty issues related to the management of the Missouri River are long-standing, complex, and are not likely to be resolved by traditional outreach approaches. Each tribal nation within the basin has unique interests and issues, and decision-making processes will need to engage tribes on a sovereign level to achieve greater resolution than has been achieved in the past.
  - **The Spring Rise will require that an adaptive management approach be set in motion and consideration of evaluation mechanisms and feedback loops will be important to the long-term success of the recovery program.** The Spring Rise is not solely a point-in-time settlement of a dispute, but sets in motion a process for monitoring and evaluating habitat and species dynamics that will inform the overall recovery and restoration process. While the Spring Rise is a discreet event, the decision-making process must fully integrate metrics and protocols that enable stakeholders to continually learn and adapt.

### **Overall Approach**

Given these factors, our approach to facilitating the intergovernmental process in the Missouri Basin will look to establish:

- A more consultative culture among the various local, state, tribal, and federal agencies;
- A transparent process that allows for meaningful but not overwhelming public engagement among a broad range of Basin stakeholders;
- Integration of adaptive management strategies with procedural agreements on the Spring Rise proposal;
- Special consideration of how to involve tribes in a manner that respects their sovereign rights.

### **Establishing a consultative environment**

Through the many intergovernmental processes The Keystone Center has designed and facilitated over its thirty-year history, we have learned the importance of establishing a consultative environment early in the process. In coordination with the steps listed in the request for statements of Phase I (I-1 and I-4), TKC-EMI will include the following elements in its approach:

- Establishing roles and responsibilities of each agency or entity and the necessary requirements they must meet and constraints placed upon them.
- Looking for opportunities to integrate regulatory processes where possible.
- Discussing expectations of the process, each agency, and individual participants.
- Defining the consultative process (from information sharing, to input gathering, to problem solving and consensus building).
- Clarifying the decision-making process and boundaries around consensus building.

### **Creating a transparent process that is responsive to public input and stakeholder concerns**

While not all intergovernmental processes or meetings need to be open to the public, it is important that negotiations that affect such a wide range of stakeholders be transparent and responsive to input. Providing times for public comment and making the meetings open to the public will assist in the transparency of the process, but that in and of itself, will not ensure meaningful interactions between the public and the parties to the agreement. As part of Phases 1 and 2 of the project, TKC-EMI will work with the parties to incorporate the following elements, as appropriate:

- Incorporate previous work done with Basin stakeholders to solicit input on the process, the Spring Rise proposal, and continue to build trust among the parties.
- Identify places where public input is needed upfront and provide multiple but focused mechanisms for that input in addition to public workshops.
- In addition to public comment opportunities, provide more meaningful mechanisms to poll stakeholders early in the process, gather input and report out, using techniques such as surveys, sessions at existing conferences and other public venues, and web-based communication.
- Make information about agency deliberations publicly available. Summaries can be sensitive to the iterative nature of negotiations but still capture items discussed, agreements reached, and next steps and distributed to stakeholders and made publicly available.

### **Integrating adaptive management strategies with procedural agreements**

Despite the time pressures associated with this project, it may still be necessary to sort out factual information about the impacts of a proposed Spring Rise, assumptions about those impacts, and the values informing those assumptions. This process of joint fact-finding can lead to a better understanding of the concerns associated with any proposal for a Spring Rise, point to appropriate mitigation measures, and identify knowledge gaps that will need to continue to be studied as the proposal moves forward. As part of Phase 2, and in particular with respect to the technical meetings, TKC-EMI will consider the use of the following techniques to integrate adaptive management principles into the proposal:

- Conduct field trips to appropriate river and floodplain areas to build understanding of the context of decisions and their potential implications (as time/resources allow);
- Identify areas of uncertainty, and build in evaluation and monitoring mechanisms for addressing them as the project moves forward.

Any agreements on a Spring Rise proposal may also include the following attributes:

- Feedback loops to revisit agreements without having to recreate them.
- Mechanisms for resolving future disputes.
- Evaluation and monitoring strategies for implementation as well as protocols for following up on the information gathered through evaluation and monitoring.

### **Considerations for working with Tribes in the Missouri River Basin**

In our work with tribes, we have found that different approaches to interest-based negotiations are often necessary. Given the complex and often misunderstood issues surrounding tribal sovereignty, additional efforts are required to ensure tribes are adequately engaged in the negotiations.

In many cases of government-to-government negotiations with tribes, there is a long history of complex relations and often a lack of follow through with tribes to meet treaty or other legal obligations. As a result, mistrust of negotiation processes can run high. Further, when multiple tribes are affected by natural resource management decisions, they are often expected by other stakeholders to hold one world-view or one set of common interests among the tribes. This is almost never the case, and tribes often come to the table with a complex set of interests that include economic development, tribal rights, and natural resource protection. In addition, there can be cultural differences in negotiating styles, and resource constraints on tribal governments that need to be considered in any process. Given the specific nature of the Spring Rise, this will also provide an opportunity to test effective ways to engage tribes in MRRIC implementation.

In Phases 1 and 2, TKC-EMI, in coordination with the on-going work of the U.S. Institute, will undertake specific actions to ensure that tribal interests are adequately engaged in the negotiation process on the Spring Rise proposal. We will work with tribal representatives, intertribal associations and the core group to build a shared understanding of sovereign rights and interests affected by possible Spring Rise proposals.

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

### **Introduction**

It is critical that the MRRIC effort (1) be credible in the eyes of diverse interests in the Missouri River Basin, (2) truly reflect the unique composition of the Missouri Basin ecosystem, and (3) integrate a credible monitoring and adaptive management process that enables stakeholders to assure themselves of the success of the recovery effort. At the same time, the MRRIC process must contribute to a recovery process that meets statutory mandates.

Based on previous work in the Basin by EMI, it is clear that the level of conflict and polarization and lack of trust among key groups requires care in developing an MRRIC that can ensure buy-in and create a sense of hope that the Basin can move beyond its conflict-laden past. Stakeholders in the Basin view the process of developing and carrying out the MRRIC as critical to its ability to promote healing and effective decision-making in the Basin. Indeed, some stakeholders believe that the process has to be different enough from “business as usual” to signal a real shift in management style and direction. They feel that creating such a process is necessary to create an incentive for stakeholders to participate in good faith.

Our previous work in the Basin suggests that the MRRIC process will need to be:

- Inclusive and representative of all relevant interests in the Basin;
- Basin-wide in scope, but effectively linked to local-level and community-based restoration activities;
- Transparent and open, with effective communication with constituent groups, political officials and the general public;
- Consensus-seeking, working toward balance and equity among participating interests;
- Grounded in credible science, including opportunities for independent science and independent science review;
- Structured in a way that promotes learning and adaptive management.

### **Overall Approach**

With these goals in mind, the TKC-EMI approach to situation assessment and process design is both conventional and innovative, including:

- A systematic approach of identifying and interviewing federal, tribal, state, and local governmental and non-governmental stakeholders representing the Basin’s navigation, irrigation, flood control, hydropower, water supply, water quality, recreation, and fish and wildlife interests, among others;
- A process of systems mapping that captures the ecological and cultural complexity of the Missouri Basin;

- An MRRIC convening and process design that is informed by the situation assessment, and systems mapping work, along with experience from other recovery and restoration programs ongoing in the United States.

### **A systematic approach of stakeholder and issue assessment**

Using standardized protocols for situation assessment, we will identify the full range of potential parties interested in the MRRIC, and conduct semi-structured interviews to identify key issues and process considerations that need to be included in the design of the MRRIC. We understand that the Basin's interests are often caricatured into major components that contain significant diversity. This diversity is true with navigation interests, environmental interests and tribal governments, for example. Our assessment will dig deeply into this diversity to ensure that the full range of stakeholder concerns are identified and described. These would include substantive scientific and economic concerns, organizational and political concerns, as well as more fundamental relationship and procedural concerns.

Design issues relating to representation, convening, logistics, joint fact finding and others will be explored with interviewees and the Coordinating Group. Our report will provide a nonpartisan discussion of the range of perspectives on key issues relating to recovery. It will further evaluate the likelihood of a successful MRRIC and the preconditions for achieving success.

### Systems mapping that informs the assessment process

Our experience suggests that conventional situation assessment processes often fail to adequately capture the complexity of large-scale ecosystems and need to be augmented by overlaying an ecosystem and cultural mapping framework designed to better inform the assessment. While a conventional assessment process should adequately capture the institutional composition of the Missouri Basin, it may overlook important ecological and cultural dimensions that need to be integrated.

To capture these perspectives, the team will augment our conventional situation assessment by working with the Situation Assessment Coordination Group to develop a systems map and a cultural map that can then be used to inform decisions that will need to be made about how to design an effective MRRIC and recovery process. Knowing how the Missouri River ecosystem functions will help the Situation Assessment Coordination Group and the assessment team better identify participants who can adequately represent parts of the complex whole.

Likewise, knowing the cultural landscape of the Missouri Basin will help the assessors identify individuals who can represent diverse cultures through the MRRIC. While this is especially true of tribal cultures, it is also true of Anglo cultures influenced by riverine processes. The cultural landscape of the Missouri Basin is partly reflected in its institutional make-up. In our experience, however, cultures function more through informal social networks that are sometimes removed from traditional institutional procedures.

We will use these two complementary approaches to assessing the situation – one that is driven by previously-defined stakeholders with specific issues, the other driven by an understanding of the ecological and social complexity of the Basin and its elements and processes. In addition to informing the conventional situation process, the innovations suggested in the TKC-EMI approach can be used to guide outreach efforts suggested in the process design phase of the project.

#### A rich approach to convening and process design

In the past, the Missouri River has been managed by agencies with singular mandates and missions. Yet the recent National Academy of Sciences (NAS) analysis of the need for restoration in the Basin highlighted the importance of viewing the Missouri as a complex and interconnected system. Current notions of effective resource management suggest that the institutions involved in managing the river need to better mimic that system, both in their management decisions and in how they interact. Successful collaboration in the recovery and restoration of the Missouri suggests the need for the development of new relationships and modes of action at the interface of agencies and nongovernmental groups.

The NAS study also highlighted the considerable uncertainty that exists in the Basin over recovery strategies and impacts and the likelihood of unpredictable changes such as drought, and recommended an adaptive management approach for dealing with uncertainty and change. Indeed, the U.S. Army Corps of Engineers' Record of Decision points to the need for the MRRIC to embrace an adaptive management approach. Such an approach requires careful design of procedures for identifying scientific uncertainty, strategies for monitoring and testing hypotheses, and ways to link learning to decision-making and processes of stakeholder engagement.

In addition to the expertise brought to the assessment process, a critical component of the TKC-EMI approach is our ability to design an effective framework for the MRRIC process (should the assessment suggest that such a process would be viable). Such a process design would be informed by our considerable experience in collaborative process design and our unique understanding of adaptive management and recovery planning processes elsewhere in the United States. TKC has 30 years of experience in collaborative process and dispute systems design as applied to complex environmental policy issues. EMI brings a wealth of knowledge in the design of specific endangered species recovery and adaptive management efforts from throughout the United States. We also bring a long history of using training as a dispute resolution tool, and would explore the possibilities for building training and/or field trips into the initial activities of the MRRIC to develop shared understanding and sets of relationships among participants. We might also explore the potential for using representatives from other comparable recovery efforts to provide guidance about the effective design and management of the MRRIC.

Critical to our ability to achieve a deeply informed situation assessment and effective process design is the willingness of stakeholders and agency staff to talk about their concerns and ideas for process design. It has been our past experience that individuals

and organizations are more likely to provide effective responses when they feel the interviewers/designers have a reasoned start in understanding the situation they face, so that questions can probe more deeply and push for more insight about process design. Besides interviewing skills that any dispute resolution professional should have, the TKC-EMI team has extensive knowledge of the history of the Missouri River Basin recovery planning effort and its core stakeholders, having: (1) conducted interagency training of federal, state and tribal resource managers on collaborative resource management, (2) facilitated a preliminary working session on the conceptual design of the MRRIC, and (3) maintained ongoing interactions with Basin stakeholders.

These ongoing relationships have built trust among stakeholders, knowledge of how the ecosystem functions, awareness of organizational cultures and roles and responsibilities among agencies and organizations, sensitivity to political issues, and knowledge of key legal and institutional constraints on decision-making. We believe that this prior knowledge will make our assessment process richer and more deeply intuitive and informed than is often the case with outside contractors. At the same time, we will be careful not to let this prior knowledge and set of relationships create blinders on our assessment or process design. Given the complexity of the situation, the tasks specified in the RFP, teams with considerable understanding of the institutional, scientific and complexities of the Basin are much more likely to be effective. Our team is uniquely positioned to provide this assessment.

Finally, the situation assessment project is designed to inform the composition and structure of the MRRIC. However, it must also relate strongly to the Spring Rise project, which requires an ongoing adaptive management approach. As mentioned above, the Spring Rise project is not a point-in-time negotiation but requires a structure for tracking and responding to biotic and habitat changes. MRRIC may be called upon to accept and carry the project's baton when it is passed by the Spring Rise negotiating group, and we intend to maintain a close working relationship among team members working on both efforts.

## 5 & 6 & 7. POLICIES AND AVAILABILITY

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### 5. TKC-EMI's Billing Policy Regarding Project-Related Travel

TKC-EMI will bill at ½ the regular labor rate for travel time. Travel time is calculated from the time a staff person leaves their home to the time they arrive at their destination or hotel.

### 6. Statement of Availability

The following critical staff member's availability per month for the months of April through September 2005.

	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>August</b>	<b>September</b>
<b>S. Stokes</b>	60	50	50	30	50	60
<b>P. Adler</b>	10	10	7	7	10	10
<b>T. Bryan</b>	50	55	45	55	50	55
<b>S. Yaffee</b>	20	15	15	15	10	25
<b>E. Moreno</b>	50	20	50	75	25	35

#### **Critical Dates:**

#### **Deadline for Statements of Interest**

**Friday, March 25, 2005**

All critical staff available.

#### **In-Person Interviews with Final Candidates**

**Thursday, April 14, 2005**

All critical staff available.

#### **Organizational Meeting**

**Tuesday, April 26, 2005**

All critical staff available.

#### **Known Specific Dates Staff are not available April through September 2005:**

##### **Sarah Stokes**

May 2-4, 2005

May 12-13, 2005 (in St. Louis and could possibly meet on May 11)

June 8-9, 2005

July 13-15, 2005

July 20-22, 2002

##### **T. Bryan**

May 18-20, 2005

June 1-3, 2005

June 15-17, 2005  
September 22-23, 2005  
(Somewhat flexible on all dates except June 1-3, 2005)

**S. Yaffee**

May 5-11, 2005  
May 18-June 3, 2005  
June 13-17, 2005  
June 28-July 1, 2005  
August 1-19, 2005

**E. Moreno**

May 23-June 5, 2005  
June 23-July 1, 2005  
August 15-27, 2005  
September 26-October 1, 2005 (not confirmed)

Please note that we have not included **Dr. Adler's** scheduled as it is not anticipated that he will attend meetings.

- 7. TKC-EMI anticipates no constraints, limitations, or potential conflicts of interest relevant to this project.**