

To: Irrigated Lands Discharge Program Stakeholder Advisory Group Members

From: North Coast Regional Water Quality Control Board Staff

Re: Advisory Group Charter Review Instructions and Guidelines

Attached is the Charter for the North Coast Regional Water Quality Control Board (Regional Water Board) Irrigated Lands Discharge Program (Program) Stakeholder Advisory Group (Advisory Group).

To meet the Program development deadlines set by the Regional Water Board and ensure a productive stakeholder process, the Regional Water Board staff has developed the Charter to serve as the governance structure for the Advisory Group. It is not intended to be legally binding in any way, but rather includes a voluntary set of guidelines Regional Water Board staff and stakeholders agree to work with as the sponsor and members of the Advisory Group.

The Charter will be presented at the December 14 meeting. In advance of the meeting, please take some time to review the document and be prepared to discuss it in detail. It is not the intention of the Regional Water Board to submit the Charter to Advisory Group members for rounds of comment/revision and ultimately, Advisory Group concurrence after the meeting. However, comments on the document made during the discussion will be considered and incorporated by Regional Water Board staff where possible.

In advance of the meeting, if you have any questions, please contact Ben Zabinsky, project manager for Program development, by phone at 707-576-6750 or by email at bzabinsky@waterboards.ca.gov. Thank you for your time; we look forward to meeting with you on December 14th.

**North Coast Regional Water Quality Control Board
Irrigated Lands Discharge Program**

Charter for the Stakeholder Advisory Group

December 2, 2011

Section 1 - Project Purpose and Background

The North Coast Regional Water Quality Control Board's (Regional Water Board) Irrigated Lands Discharge Program (Program) is being developed to address discharges of waste from irrigated lands that have the potential to adversely impact beneficial uses of the state's waters by degrading water quality. Irrigated lands have the potential to contribute to water quality degradation through, for example, the over-application of fertilizers and pesticides, human-caused erosion, pollutants in tailwater return flows, and the removal and suppression of riparian vegetation. The Program will address existing and potential impacts to water quality to meet the requirements of the California Water Code, the State Nonpoint Source Policy, and the Klamath River Total Maximum Daily Loads (TMDLs).

The purpose of the Stakeholder Advisory Group (Advisory Group) is to provide input to Regional Water Board staff on Program development. The Advisory Group process is part of the Regional Water Board's overall stakeholder involvement strategy to develop the Program. The Advisory Group process precedes the public process that the Regional Water Board will undertake as it considers the Program for adoption. The Advisory Group process is an opportunity for stakeholders to voice their concerns and give constructive input while the Program is being developed. Regional Water Board staff will use the input from the Advisory Group to develop draft orders and other documents related to the Program.

Advisory Group participants will be encouraged to comment on all aspects of the Program. Participants are not required or expected, either independently or as a group, to fund studies or provide any in-kind services other than their consistent participation on and review of Advisory Group activities and draft documents. The comments of the Advisory Group will be used by staff to develop Program recommendations for consideration by the Regional Water Board. The Program will also be evaluated in the Board's environmental documentation (in compliance with the California Environmental Quality Act).

This Charter describes, in detail, the expected role of staff, Advisory Group participants, the public, and third-party neutrals/facilitators. It also lays out the proposed decision making protocols for reaching agreement on Program elements.

NOTE: This Charter does not carry any regulatory or legal authority. Although participation in the Advisory Group is voluntary at all times, Advisory Group members agree to abide by the stipulations set forth in this Charter.

Section 2 – Draft Schedule

Date	Meeting Description
December 14, 2011	Full Regionwide Advisory Group <ul style="list-style-type: none">• Confirm Advisory Group membership• Develop shared understanding of the Advisory Group Charter• Develop shared understanding of and provide comments on the initial staff-developed Program framework.
February 2012	Sub-Regional Advisory Group Meetings*

March 2012	Sub-Regional Advisory Group Meetings
May 2012	Full Regionwide Advisory Group Meeting <ul style="list-style-type: none"> • Recommendations of Sub-regional Groups will be presented and discussed before all members of the Advisory Group for staff consideration
July 2012	Sub-Regional Advisory Group Meetings
September 2012	Sub-Regional Advisory Group Meetings
December 2012	Full Regionwide Advisory Group Meeting <ul style="list-style-type: none"> • Final recommendations of Sub-regional Groups will be presented and discussed before all members of the Advisory Group for staff consideration
April 2013	Full Regionwide Advisory Group Meeting Present draft permits and CEQA documents to Advisory Group for comment <ul style="list-style-type: none"> • Staff will present staff recommendations
Summer 2013	Public Workshops

*For more information on the distinction between the full Advisory Group and the Sub-regional Advisory Groups, please see Section 3.6 below.

Section 3 - Advisory Group Organization

Time, budget, and size considerations mandate that a stakeholder group must be a representative and manageable cross-section of interests rather than a collection of all parties. No stakeholder group can be completely inclusive. This section describes the selection process, participant responsibilities, staff and consultant responsibilities, and decision making protocols for the Advisory Group.

3.1 Participant Selection

The Advisory Group represents a comprehensive cross-section of stakeholders directly affected by the Program as well as government stakeholders directly involved in Program topics. Starting with a staff-developed list of key interest groups and two voluntary surveys of potentially affected stakeholders, individuals were formally invited to participate in the Advisory Group by the Regional Water Board's Executive Officer. At the first Advisory Group meeting, stakeholders will be asked to confirm Advisory Group membership and provide suggestions of additional members who may be formally included in the Advisory Group process at a later date according to the process laid out below.

To the extent possible, the Advisory Group will be limited in size to a group of representatives that will act on the behalf of their interest groups. Whenever possible and acceptable to affected stakeholders, Advisory Group participants should represent multiple similar organizations as a means to ensure representation while maintaining a feasible Advisory Group size. Advisory Group participants are expected to have some knowledge and understanding of the Program, irrigated agricultural activities, and the Regional Water Board's regulatory options. Proposed interest groups to be represented may include but not be limited to:

- Private landowners
- Growers
- Trade industry groups
- Environmental organizations
- Local irrigation districts
- Local government representatives
- County agricultural commissioners
- Resource conservation district representatives
- UC Cooperative Extension representatives
- State agency staff
- Federal agency staff
- National Resource Conservation Service
- Tribes

Due to the necessary timeframe to develop the Program, and the specific recommendations that will be developed at each meeting, it is not optimal to add new participants to the Advisory Group once started. Should a new stakeholder request inclusion as a participant on the Advisory Group (rather than as a public participant at a meeting) after the process has started, they are expected to do the following:

1. Contact the Project Manager, Ben Zabinsky, 707-576-6750, zbabinsky@waterboards.ca.gov, and identify an interest to become an Advisory Group participant.
2. Stakeholder requests should include a description of the following:
 - a. Rationale of the stakeholder niche not currently filled by an existing participant.
 - b. Description of how the stakeholder represents an interest that is reasonably and directly affected by the Program.
 - c. Willingness to commit the resources and time necessary to be an active participant in the Advisory Group.
 - d. Willingness to accept all Advisory Group recommendations to date and an understanding that previously agreed on items will not be revisited based on his or her interests.
3. The Advisory Group and Regional Water Board staff will discuss the stakeholder request. Final determination of inclusion will be provided by the Board's Executive Officer.

3.2 Advisory Group Participant Responsibilities

Participants will attend meetings; report back to the interest they represent; and communicate their interests, concerns, and recommendations to the Advisory Group. Participants should attend every meeting or arrange for alternates (see below) to attend on their behalf and notify Regional Water Board staff in advance of anticipated absences. Regional Water Board staff recognize that the Advisory Group members will be making a substantial investment of time and energy to develop recommendations for the Program and provide Regional Water Board staff with comments and feedback.

Alternates: Alternates will be identified when a participant must miss a meeting. In such circumstances, the participant will notify the facilitator and Board staff of their absence as soon as feasible before a meeting. Participants are encouraged to use the same alternate every time. The facilitator will meet (via telephone) with the participant and alternate to ensure shared understanding of the participant's perspectives about any items due for discussion at the pending meeting.

Participant Replacement/Succession: If a participant is no longer able to attend meetings, he or she will notify staff in writing of his/her resignation and will recommend a replacement. The facilitator will coordinate new participant orientation after their appointment. All participants should maintain a comprehensive record of their activities and personal work to be passed along to a replacement, if necessary.

3.3 Public Participation

All Advisory Group meetings will be open to the public and will be noticed to ensure transparency during Program development. The public will have an opportunity to comment at the end of the meeting.

3.4 Regional Water Board Staff Responsibilities

Regional Water Board staff, the facilitator, and Advisory Group participants will work collaboratively to develop agenda topics and other materials. Staff will circulate draft agendas and other meeting materials at least one week prior to scheduled Advisory Group meetings. Summaries of Advisory Group discussions and recommendations will be recorded at all meetings by Board staff. The summaries will be distributed to Advisory Group participants and made available to the public on the Board's website.

Regional Water Board Members will be informed of the progress of the Advisory Group in a variety of ways, that may include: staff briefings to the Executive Officer from project staff, Executive Officer reports and informational items at Board meetings, attendance at Advisory Group meetings by Board Members, and public comment at Board meetings by Advisory Group participants and the public. If needed, a Board workshop and/or subcommittee can also be convened.

Regional Water Board staff will make the following commitments:

- To thoughtfully and objectively consider all Advisory Group comments and recommendations;
- To communicate all Advisory Group member recommendations and associated rationale to Board members; and
- To describe Advisory Group recommendations in the final Program staff report.

Program Coordination: Program staff will communicate and coordinate Program developments with other Regional Water Board programs. Staff will consider all Regional Water Board programs in general, but will focus coordination efforts with existing regulatory programs related to irrigated agriculture including the Scott River Basin TMDL Conditional Waiver Program, Shasta River Basin TMDL Conditional Waiver Program, Garcia River Basin TMDL Action Plan, and the Klamath River Basin TMDL Action Plan. Staff will also coordinate Program development with other agencies' regulatory programs as necessary.

3.5 Consultant Responsibilities

Facilitation services by the Center for Collaborative Policy will be provided to support the Advisory Group process. The facilitator and facilitation team serves as a "professional neutral" whose primary responsibility is to ensure an open process where all participants' interests, views and opinions are heard and thoughtfully considered. Specific responsibilities of the facilitator include:

- Design and conduct a consensus-seeking process.
- Facilitate meetings and generate draft agendas and meeting summaries.
- Capture the range of views and ideas presented by participants and report on where there are areas of agreement and differences.
- Assure that Advisory Group participants have at least seven days to respond to information or requests submitted between meetings.

3.6 Regionwide Group and Sub-Regional Group Roles

Regionwide Meetings of the Full Advisory Group: The full Advisory Group, consisting of representatives from a variety of interests (as described above) throughout the Region, is the primary decision making body. To be considered a final product, all decisions/materials will be approved by the Advisory Group using the decision making criteria outlined in Section 3.7. The full Advisory Group meetings will be held in the most central location possible to minimize travel times for all participants.

Sub-Regional Groups: The full Advisory Group is made up of four smaller, sub-regional groups. The sub-regional groups will be established throughout the Region to review draft documents, provide a regional perspective on Program elements, and develop recommendations to the full Advisory Group for final decision. The small groups are not intended to have decision making authority, but will be the primary venue for Advisory Group review of all Program elements and documents. The sub-regional groups will consist of the following sub-regions:

- Tule Lake area and Butte Valley

- Scott River watershed, Shasta River watershed, and the Upper Mid Klamath Region
- Del Norte County, Humboldt County, and Trinity County
- Sonoma County, Mendocino County, and Marin County

3.7 Decision-Making Protocols

The goal of the Advisory Group is to develop consensus recommendations for staff to incorporate into the Program whenever possible. All Advisory Group participants must be in agreement for a “consensus” determination. Given the timeframe of the process, consensus may not be feasible on some topics. Therefore, the Advisory Group will *seek* consensus, rather than be mandated to *achieve* consensus on all topics. The decision to proceed with a recommendation absent a consensus will be based on discussions between staff and the Advisory Group; however, final determination on whether to continue seeking consensus will be made by staff. If consensus is not reached on a given topic, the range of recommendations supported by the different interests will be documented in the staff report.

The consensus decision rule is based on principles of “consensus with accountability.” Consensus with accountability requires all participants to try to reach consensus while at all times supporting and expressing their self-interest. In the event a participant must reject a proposal, that participant must provide a counter proposal that legitimately attempts to achieve their interest and the interests of the other participants. The Advisory Group will not vote and will not seek to identify numeric “winners and losers” on key topics. Rather, the Advisory Group will seek mutually acceptable conclusions. In seeking consensus on any interim or final recommendations, participants will voice their opinions with specific proposals along the way, rather than waiting until a final recommendation has been developed. The basic decision-making process will be as follows:

- Straw Polls: Participants will use straw polls to assess the degree of preliminary support for an idea before it is submitted to the Advisory Group. Participants may indicate only tentative approval for a preliminary proposal without fully committing to its support.
- Draft and Final Decisions: The Advisory Group will use the following three levels to indicate participants’ degree of approval and support for any proposal being considered and to determine the degree of consensus.
 - Thumbs Down: I do not agree with the proposal. I feel the need to block its adoption and propose an alternative.
 - Thumbs Sideways: I am not enthusiastic about it, but I can accept the proposal.
 - Thumbs Up: I think this proposal is the best choice of the options available to us.
 - Abstention: At times, a participant may wish to abstain from the straw poll. Examples could include: a topic that has statutory implications that an agency representative cannot be on record conflicting with; a participant cannot get a consensus of his/her partners. Any abstention will be documented.

The goal is for all participants to be in the ‘Thumbs Up’ or Thumbs Sideways’ levels of agreement. The Advisory Group will be considered to have reached consensus if all participants are at those two levels. If any participant is at a ‘Thumbs Down’ level, that participant must provide a counter proposal that legitimately attempts to achieve their interest and the interests of the other participants. If consensus is not reached, the differing alternatives will be documented in the staff report and staff will make a recommendation for the Regional Water Board’s consideration. Participants that abstain from particular proposals are encouraged to explain why abstention is in their best interest. The Advisory Group will not revisit previously agreed to recommendations or alternatives unless new information would likely affect the Advisory Group’s previous work.

3.8 Communication protocols

A list of Advisory Group participants will be made available to the public on the Regional Water Board's internet site. The list will include the participant's name and represented interest(s). Advisory Group participants will make a concerted outreach effort to communicate regularly with their agencies or constituencies to keep them informed about the process and the issues under discussion. Constituents wanting to provide input to the process are encouraged to communicate through their Advisory Group representative. Advisory Group participants are not prohibited from speaking with the media, but must indicate that they are not speaking for the Advisory Group. Participants should neither characterize the positions and views of any other party, nor should they ascribe motives or intentions to the statements or actions of other Advisory Group participants.

3.9 Meeting Summaries

Meeting summaries will be prepared and distributed to Advisory Group participants by the facilitator and Regional Water Board staff within 7 business days following each meeting. Summaries will identify the meeting participants, major issues discussed, decisions made, and actions to be taken. Participants will have 5 business days to review DRAFT summaries and provide comments to the facilitator (and other participants if desired). The facilitator will revise summaries and send a DRAFT FINAL version to the Advisory Group within 2 additional business days. Meeting Action Items will be prepared and distributed to Advisory Group participants by the facilitator and staff with the meeting summary.

Any conflicts between two or more participant's summary reviews will be resolved by the facilitator with the participants in question. DRAFT FINAL Summaries will be reviewed at the next Advisory Group meeting. The facilitator will call for any further revisions by participants to ensure the correct characterization of all comments. New comments will be addressed by the facilitator with the participant at the next meeting. If no comments are received, the Summary in question will be entered into the project record and posted to the Board website as a FINAL document.

Section 4 – Advisory Group Ground Rules

All participants, Regional Water Board Members and staff, the facilitator, and public participants of a meeting agree to:

- Arrive promptly to all meetings and be prepared for the meeting agenda.
- Stay for the duration of the entire meeting.
- Turn cell phones to silent.
- Minimize actions that could be distracting to participants discussions. Should meeting attendee behavior become distracting to participants, those individuals should speak with the facilitator to intervene.
- Participate in a problem-solving approach based on respectful and constructive dialogue, where the interests of all participants and the public are considered in developing proposals and recommendations.
- Openly discuss issues with others who hold diverse views, acknowledge and seek clarification of others' perspectives, and verify assumptions when necessary.
- Assure that all participants are heard and that one person speaks at a time. Refrain from side conversations.
- Keep commitments once made.
- When appropriate, distinguish between personal vs. organizational perspectives.