

BASIN ADVISORY COUNCIL GUIDELINES

1.0 Introduction

- 1.1 The purpose of this document is to outline the process and ground rules to guide the activities of the participants involved in the 2015 Montana Water Supply Initiative Basin Advisory Councils (BACs). It describes the purpose, participants, and process of the BACs.
- 1.2 Authority for establishment of the is BACs is contained in the State Water Plan Statute (85-1-203(4)(a)) which states: “The Department (DNRC) shall create a water user council in both the Yellowstone and Missouri River basins that is inclusive and representative of all water interests and interests in those basins.”

2.0 Purposes

- 2.1 The purposes of the BACs are to:
 - 2.1.1 Provide input and recommendations to DNRC on the basin plans required by 85-1-203(3).
 - 2.1.2 Serve as advisors to DNRC and provide an avenue of communication and discourse between the various interests within the basin.
 - 2.1.3 Evaluate strategies, studies and proposed actions for improving the understanding, management and conservation of water resources in the basin.

3.0 Duties

- 3.1 Advisory Capacity. The BACs will act in an advisory capacity to the DNRC for purposes of the basin planning process.
- 3.2 **Geographic Jurisdiction. The geographic jurisdiction of the BAC’s work is restricted to the identified basin.**
- 3.3 Duties and Responsibilities. Responsibilities of the BACs are as follows:
 - 3.3.1 Serve as a forum for public comment and communicating the results of technical studies pertaining to water supply and use.
 - 3.3.2 Represent their constituency and assist the DNRC in communicating with local water interests.
 - 3.3.3 Assist the DNRC in identifying Best Management Practices for the management and conservation of water resources.
 - 3.3.4 Develop recommendations for the DNRC regarding the preparation, amendment, and implementation of the State Water Plan.

4.0 Member Qualifications, Selection and Service

- 4.1 Eligibility. Appointees to the BAC will be made by the DNRC, which will select from a comprehensive list of nominees. Nominations will be solicited from the conservation districts, basin watershed groups, industry groups, economic development groups, resource interest groups, and the public at large. All of the nominees should have demonstrated interests in the economic, social and environmental sustainability of the Basin. To be eligible for appointment a candidate must:
 - 4.1.1 Be qualified through education, training, knowledge, or experience to give informed and objective advice regarding an industry, discipline, or interest specified in the BAC's guidelines (see Section 5.1); and
 - 4.1.2 Have demonstrated experience or knowledge of the geographical area under the scope of the identified BAC.
- 4.2 Residency and Recommendation. Members must be residents of the Basin and must be able to demonstrate interests in the economic, social and environmental sustainability of the Basin.
- 4.3 Duration of Appointment. Members will be appointed to serve approximately a two-year term. Appointments will be effective upon written DNRC approval. In any case appointments will cease December 31, 2014.
- 4.5 Conflict of Interest. Members must disclose their direct or indirect interest in issues pertaining to water within the Basin. Membership may be terminated if: 1) they no longer represent the constituency for which they were appointed, or 2) they are involved in water rights related litigation within the basin.
- 4.6 Vacancies. Vacancies occurring for reasons such as resignation, death, a change in residency through relocation outside of the basin, or failure to regularly attend meetings, will be reported to DNRC, who will fill the vacated position.
- 4.7 Compensation. Members serve without salary, but will be reimbursed at the official state government rate for lodging, mileage and per diem expenses incurred in transit to and from official meetings. Reimbursement for overnight accommodations must be pre-approved by DNRC.

5.0 Water Resource Advisory Committee Members

- 5.1 Membership on the BAC will be balanced with representation from the following water interests:
 - 5.1.1 Agricultural, industrial, commercial and local business. For example: agricultural producers; irrigation districts; petroleum producers and refiners; electrical generating plant operators; agricultural product processors; and real estate development interests.
 - 5.1.2 Conservation, recreation, and instream flow. For example: representatives of environmental and resource conservation groups;

watershed groups; sportsmen and outdoor recreation advocates; commercial river recreational businesses; cultural and historical interests; the public at large; and scientists/engineers/biologists involved in water science and water-related resource inventory.

5.1.3 Elected and administrative. For example: local, county, federal and tribal elected officials or employees with responsibility pertaining to water use and management; conservation district supervisors; dam operators; land use planners; public water supply managers; park managers; and disaster/emergency coordinators.

5.1.4 Public at Large.

5.2 Each BAC may have up to 20 members §85-1-203 (4)(c). To the extent possible, membership on the BAC will be geographically distributed within the basin with individual members distributed through-out the upper, middle, and lower basin.

5.3 Consistent with Sections 6.4 and 11.0 of this document, the members of the BAC will actively seek input and advice of the constituencies they represent.

6.0 BAC Member Responsibilities

6.1 Consensus. Members agree to seek consensus. Consensus means that even though a voting member may not agree that a given issue or recommendation warrants inclusion in the Basin Plan, he/she does not disagree enough to warrant opposition to its inclusion. Members agree to:

6.1.1 participate fully and consistently in the process unless they withdraw;

6.1.2 fully explore and understand all issues before the BAC;

6.1.3 search for creative solutions to address the interests and concerns of all members.

6.2 Disagreement. Each member has the ability to disagree with any reasonable and/or legitimate proposal, but assumes a responsibility for providing constructive feedback.

6.2.1 Lack of Consensus. If consensus is not achieved on any issue/recommendation, the BAC shall report to DNRC on the issue/recommendation dividing the membership, along with a voting record. Under these circumstances a minority report will be included with any recommendation arising from a split vote.

6.3 Member Responsibilities

6.3.1 Each member agrees to candidly identify and share his or her interests.

- 6.3.2 Each member agrees to listen carefully and respectfully to other participants and to avoid interrupting other participants.
 - 6.3.3 Each member agrees to offer suggestions with respect and care.
 - 6.3.4 Each member agrees to share relevant information regarding the issues under consideration.
 - 6.3.5 Each member agrees to communicate with each other directly, rather than through the news media.
 - 6.3.6 Each member agrees to challenge ideas, not individuals.
 - 6.3.7 Each member agrees to respect the decision of any member to withdraw from the process at any time and for any reason.
 - 6.3.8 Each member agrees to express to the other members the reason for their withdrawal from the process.
 - 6.3.9 If a member is unable to attend a meeting, he/she can convey his/her view point to the Chair via written correspondence, which will be shared with the BAC.
- 6.4 Responsibility to Constituencies
- 6.4.1 Each member agrees to express the interests of the constituency that they represent.
 - 6.4.2 Each member agrees to seek the advice of their constituency throughout the process.
 - 6.4.3 Each member agrees to make every effort to represent and speak for their constituency.
 - 6.4.4 Each member agrees to objectively explain and interpret the process and its outcomes to their constituency.
 - 6.4.5 Each member agrees to keep their constituency informed of the activities and ideas emerging from the process.

7.0 Ex Officio Membership

- 7.1 Ex officio membership is encouraged. Ex officio members provide advice, guidance and expertise as representatives of government agencies (federal, state, local) with trust responsibilities, or administrative or regulatory jurisdiction. Ex officio members will not be reimbursed for travel expenses.
- 7.2 Ex officio members do not vote, but have the option of making professional suggestions or recommendations to inform committee discussions and recommendations.

- 7.4 Ex officio members (or their designees) should participate and attend meetings on a consistent basis, as is reasonable and appropriate for the agency they represent.
- 7.5 It is incumbent upon ex officio members to share relevant information regarding the issues under consideration by the BAC.
- 7.6 Ex officio members agree to act as a liaison between their agency and the BAC and will, routinely, keep their agencies informed of the activities of the BAC.

8.0 Meetings

- 8.1 Meeting Purpose and Frequency. BAC meetings convened as part of the Montana Water Supply Initiative will occur in 3 phases:
 - Phase 1 - issue identification (scoping),
 - Phase 2 - technical studies (presentation of results), alternative identification and
 - Phase 3 - recommendation and plan development.The BACs will meet during all three phases. It is anticipated that there will be 10-12 meetings convened over the term in various parts of the basin.
- 8.2 Public involvement. All meetings will be open to the general public and representatives of the news media. Any organization, association, or individual may file a statement with or appear before the Upper Missouri BAC regarding topics on the meeting agenda.
- 8.3 Public notification. A notice of each meeting and a meeting agenda will be sent to the news media in advance of each meeting. The notice shall set forth the purpose, time and place of the meeting.
- 8.4 Quorum. A quorum will consist of a majority of the appointed members.
- 8.5 Voting. Members from the four groups described in Section 5.1 above constitute the voting membership.
- 8.6 Voting procedures. If after repeated attempts, consensus is not achieved, a majority vote of the members present is needed to forward a recommendation to the DNRC (see Sections 6.2 and 6.3 for minority report and intention to reach consensus).
- 8.7 Proxy votes. Voting by proxy will not be accepted.

9.0 Meeting Management

- 9.1 Committee Officers. The Committee will elect a Chair and Vice-Chair from among the members at the initial meeting. Term of office for these positions will cease at the conclusion of the process (December 31, 2014).
- 9.2 Chair responsibilities. The Chair will manage and coordinate the regular meetings, including focusing the group on a common task; protecting individuals

and their ideas from personal attacks, encouraging everyone to participate; and assisting the group to reach consensus.

- 9.3 Meeting Operation. Meetings of the BACs will be operated according to Robert's Rules of Order. <http://www.robertsrules.org/rulesintroprint.htm>

10.0 Meeting Procedures

- 10.1 Agenda. The Chair and BAC contracted coordinator, in consultation with the BAC, will develop appropriate documents and an agenda for each meeting. The Chair will coordinate with DNRC and its contractor regarding agenda items. The Chair will distribute these materials with assistance from the contracted Coordinator.
- 10.2 Public Comment. There will be a set time for public comment at each meeting. The Chair may allow comment at other times throughout the meeting, at their discretion.
- 10.3 Meeting Records. Minutes of each meeting will be kept by the BAC Coordinator. The minutes will contain a record of the persons present; a complete description of matters discussed and conclusions reached; and copies of all documents received, issued, or approved by the BAC. Copies of the minutes will be maintained by DNRC and be published to the DNRC MWSI website.

11.0 Communication

- 11.1 The Chair, with assistance from the Coordinator, will act as liaison to DNRC.
- 11.2 The work of the BAC will be reported regularly to DNRC by the Chair who will represent the consensus views, characterize deliberations, and when appropriate, express minority opinions.
- 11.3 The Coordinator, in consultation with DNRC and the Chair, will send meeting notices to the interested public and the media.
- 11.4 Communications with the media on behalf of the BAC shall be made only by the Chair, or the Chair's designee.
- 11.5 No BAC member shall characterize the views of other members to the news media or in other forums such as Internet blogs.