**Willamette Action Team for Ecosystem Restoration (WATER)**
**Steering Team Meeting**
August 11, 2016

**Facilitator's Summary**
*Facilitated by DS Consulting*

*In the room:* Ian Chane (USACE), Joyce Casey (USACE), Bernadette Graham-Hudson (ODFW), Marc Liverman (NMFS), Dan Spear (BPA), Karl Weist (NPCC);

*Participants on the Phone:* Jane Hannuksela (NMFS);

*Facilitation Team:* Donna Silverberg (facilitator), Tory Hines (support/notes)*,* DS Consulting

| ACTION | RESPONSIBLE PARTY | BY WHEN? |
|---|---|---|
| **Create WATER website for agendas, meeting materials and meeting summaries.** | Ian Chane & Tammy Mackey | TBD |
| **Discuss ways to include NPCC as a member in the WATER process.** | Jane Hannuksela, Jon Shurtz, Gail Lear | TBD |
| **Steering Team members will ask the RM&E Team to provide brief updates of any current issues/progress at the next Steering Team meeting.** | All | September 8th |
| **AA's will follow up with USFWS re: attending Steering Team meetings.** | Ian Chane, Dan Spear | September 8th |
| **DSC will e-mail the Steering Team's list of elevation scenarios to the RM&E team for feedback.** | DSC | ASAP |
| **The Corps will e-mail the Lookout Point Plan to Steering Team members and G4.** | Ian Chane | Before August 17th |
| **DSC will schedule the October Steering Team work session.** | DSC | September 8th |

*Welcome and Review of Meeting Summary*

Facilitator, Donna Silverberg, welcomed the group and explained that the purpose of the day's session is to discuss the roles and responsibilities of the Steering Team, how the Steering Team makes decisions, how the Action Agencies (AA's) incorporate Steering Team input into their decision making, and the WATER elevation process. Those present were polled and approved the July 14th meeting summary. To assist communication, the Corps recommended posting meeting agendas, materials and summaries on a public website that allows team members to easily refer back to past meetings and action items. **The group agreed that this would be helpful**. The Corps agreed to create the website and, in the event that a public website would not be allowed, all materials could be made available on the DS Consulting website.

> ➢ **ACTION**: Ian Chane will work with Tammy Mackey to create a public website that will include all of the WATER team agendas, materials and summaries. If the Corps is unable to create this website, all of the materials will be placed on the DS Consulting website.

*Steering Team Roles and Responsibilities*

Donna directed the group to page 8 of the 2008 WATER guidelines, organization and procedures handout. The roles and responsibilities of the Steering Team are outlined as follows:

- General
  - Maintain ongoing oversight of technical teams.
  - Ensure coordination and collaboration among the technical teams and with the Manager's Forum.
  - Develop policy guidelines and resolve issues related to the configuration and operation of the Willamette Project and compliance with the Willamette BiOps and RPA.
  - Provide updates from the AA's regarding progress toward implementing actions required of each Action Agency in the Willamette BiOps and RPA, including describing projects that have been completed, delayed or modified.
  - Reach consensus on the prioritization and implementation of actions related to the Willamette BiOps and RPA.
- Issue Resolution
  - Resolve issues elevated from the technical teams.
  - Address longer-term management and policy issues related to the deliberations of the technical teams.
  - Assign issues for further investigation/deliberation by technical teams.
- Planning
  - Provide a forum for participants to address new and ongoing policy initiatives related to the configuration and operation of the Willamette Project, and compliance with the Willamette BiOps and RPA.
  - Provide review, input, and policy guidelines related to the development and implementation of actions as they relate to the Willamette BiOps and RPA.
  - Facilitate adaptive management through evaluation of the AA's' actions, plans, and information gathered through studies and monitoring.

*Steering Team Participation*

NMFS noted that an overarching issue at all of the meetings is lack of participation. Page 12 of the WATER guidelines states that "all members are allowed full participation in discussions and have an equal opportunity to participate." There is a list of designated members and their alternates, but this has not been updated for some time. ODFW noted that they withheld their designation process until the Guidelines were updated because who they send depends on the purpose/charge for each team. ODFW also suggested revising the section to establish a quorum rule that requires a certain percentage of attendance among the agencies and tribes in order to convene a meeting.

The team reviewed the purpose, background and scope of the WATER forum as described on page 1. NPCC noted that, per the definition, NPCC is excluded from the forum because they do not qualify as "sovereign governments (federal/state/tribal)". The Corps stated that this language does not preclude NPCC from participating in the WATER forum, but the Federal Advisory Committee Act (FACA) may prevent NPCC from being defined as a forum member. NMFS noted that, as long as the team is not providing consensus advice to a federal agency, FACA does not apply. Those present who are not governmental entities can provide individual advice, in contrast to the governmental entities who are seeking consensus. Jane agreed to discuss FACA and options for including NPCC as a consensus-seeking WATER member with attorneys from NPCC and the Corps.

Steering team members also discussed updating the language of the guidelines to be more inclusive and provide structured roles and responsibilities that will increase participation. It was noted that the WATER

process guidelines represent a working agreement among governmental entities. Also, because the language within the guidelines is separate from the RPA, it can be amended.

> **ACTION:** Attorneys Jane Hannuksela (NMFS), Jon Shurtz (NPCC), Gail Lear (USACE) will discuss FACA and possible ways to include NPCC as a member in the WATER process.

### How does the Steering Team Make Decisions? - Defining Consensus

The team discussed how to define consensus in the WATER process.  At the Manager's Forum, it was noted that many were unclear about team expectations and whether consensus meant equal voting among participants concluding in unanimous agreement or something else. There is a perception among participants that the AA's maintain ultimate authority over decision-making.  Donna noted that Page 14-15 of the WATER guidelines defines consensus as "the lack of formal objection" and states that "participation in a consensus process means that all members are participating in good faith and are searching for an accommodation of those interests represented at the table." She asked the group to look at two handouts: *Differentiating Between "Consultation" and "Consensus"* and *"Using Consensus"*. She suggested that the group try using the Using Consensus 1-5 tool (see attachment) as a way to measure the sense of the group and the group agreed to do so. **The group agreed that working towards consensus and searching for an accommodation of those at the table would be beneficial for everyone.**

NMFS noted that RPA #1 describes the collaborative WATER process as necessary to support the BiOp. RPA 1.1-1.4 also sets up a process for the federal managers to work together.  Marc noted that, as a first step, the federal managers need to talk about and be able to provide clarity regarding the RPAs and the RM&E plan.  As a starting point, the federal team needs to be clear about: what information do the managers need to make decisions about the BiOp and implementation measures? What are the policy sideboards?  What are the Feds trying to achieve during Fiscal Year (FY) 19? And How should choices be framed for managers to make the decisions they need to make?

Marc noted that a top priority discussed at the Manager's Forum is to establish a plan for Lookout Point. The Steering Team's role could involve assisting the RM&E Team in reaching consensus on the technical issues before it reaches the policy level at the Manager's Forum. BPA suggested that representatives of the RM&E team could prepare an update on the Lookout Point plan, in order to keep the Steering Team informed. The Corps recommended that the federal managers and the Steering Team clearly articulate to the RM&E Team what information is needed and the policy constraints impacting decision-making. The Corps stated that, in similar forums, the technical teams typically deliberate openly and honestly. Afterwards, managers benefit from the robust dialogue and address the consensus points during the public decision-making process.  (It was noted that the WATER process has changed that format because the Managers Forum is not a public forum, but rather a place to have internal discussions about needs and concerns).  Also, NMFS suggested that management should be assigning work to the technical staff, compared to the technical staff assigning and evaluating their own work.

### How Steering Team input is incorporated into the Action Agencies decision-making

The group began by noting that they would like Steering Team meetings to be more active discussion of issues than passive updates or reports.  Donna asked the team to review a handout called *The Four-Level Empowerment Grid* which helps define different levels of engagement that managers and staff can use in decision-making and the impacts different approaches have on those being asked to do work (see attachment). Many have expressed that the AA managers are using a consultative approach to decisions in the WATER process, wherein AA managers decide after seeking input from partners. This has an impact on partners who, because the process is defined as a consensus process, have been expecting a different, more discussion oriented approach to the work together.  NMFS noted that, looking at the grid, they feel

like a manager in the WATER process because they ultimately decide whether the AA's correctly implement the BiOp. The Corps noted that, by law, the AA's are the decision-makers: NMFS ensures that the AA's comply with the BiOp and the AA's seek input from ODFW, NPCC and the tribes before making their decision. The Corps acknowledged that, because NMFS holds the AA's accountable to the BiOp, there is a power imbalance among team representatives.

NPCC pointed out that the RPA clearly describes the process that defines the G4 and establishes the Action Agencies as decision makers, while all other participants are commentators. This is not a problem for partners, provided they are willing to accept their limited role. Instead, ODFW clarified that how the Corps has used their and others input is the issue for members of the WATER forum. Oregon thought that the intent behind the overall process is for the Action Agencies to seek input from other entities in order to make the best possible product. ODFW has felt the input provided to the Action Agencies is ignored, which hinders the intent behind this process and impacts trust. The Corps agreed with ODFW that the intent is to seek input in order to create the best product, and there are financial sideboards that restrict implementation.

> **All agreed that the overarching <u>Goal of the WATER Process</u> is**
>   o **to get/give input in order to improve the final product for Willamette restoration by finding creative solutions that uses the expertise of all agencies.**

Donna asked how the Action Agencies could work with other Steering Team members to have effective conversations in which the others feel heard and which will help develop trust in the process. The Corps suggested that, when input is offered, the Corps will acknowledge what they have heard and then follow-up with team members as to why a decision was made and whether their input was incorporated or not.

ODFW also noted that it would be helpful to hear brief updates from the technical teams during the Steering Team meeting. All agreed that it is each member's responsibility to follow up and coordinate with staff on other WATER teams.

Team members then discussed the Fall Creek project, which remains under protest due to contracting issues. ODFW asked if there was a possibility funding for FY17 would be used if the protest remained in place through 2016. NMFS stated that USFWS' presence would be beneficial to conversations like the Fall Creek project. Donna indicated that USFWS is waiting to hear from the AA's as to whether they should make the Steering Team meetings a priority. If all members wish to have USFWS be an active participant in the Steering Team meetings, it should be conveyed directly to Rollie White.

> **ACTION**: Steering Team meetings will include brief updates from the technical teams on current issues and any positive steps made forward. Steering Team members will work actively with their internal team to stay apprised of any issues facing their agency and/or technical team staff.
> **ACTION**: The AA's will follow up with USFWS to encourage their involvement at Steering Team meetings.

*WATER elevation process – When to Elevate?*

NMFS expressed some common questions about the elevation process:

• What is an example of an issue that should be elevated? (What is a real issue that results in a policy difference among agencies?)
• When specifically, should a team member or team ask for help? (Sometimes conflict arises due to differences in science, other times because of inefficiencies in the process or legal questions.)

The group reviewed the elevation process as outlined on pages 15-16 in the WATER guidelines. Noting that when consensus cannot be reached in a technical team or workgroup, the objecting member *may* request that the issue be elevated to the Steering Team or the Manager's Forum.

To assist the elevation process, the group clarified and agreed on the following to help teams determine when an issue is worthy of elevation:

> ➢ When there is a clear technical and/or policy dispute.
> ➢ When clarifying guidance is needed from the Managers.
> ➢ If the process is creating difficulties for the technical team and/or individual agency.
> ➢ If an individual agency decides to seek out others (e.g. ISAB) for a decision and/or formal review or advice. (A decision document for managers should stay within the WATER process rather than be escalated to an outside process.)
>> o Example, if a technical member expressly says they intend to escalate an issue elsewhere, it should be first addressed at the Steering Team level.

NMFS noted that when staff members begin to mention other resources or forums, such as the ISAB, it should send a message to managers that they feel team members' input is not being considered. ODFW agreed and stated that a better process would be to sit down with all of the team members (whichever team is having the issues) and help them have a discussion which seeks a 3 or above, when using the 5 fingers of consensus tool. If consensus cannot be reached and a team member is seeking third party review, the issue should first go to the Steering Team for that review. The Corps also noted that, if a policy issue is identified, then it should automatically be escalated to the Steering Team. For example, the RM&E Team should not be making policy decisions at the technical level. That said, it was acknowledged that it is often difficult to discern the difference between a technical issue and a policy issue. NMFS stated that when elevating an issue, it is important to maintain a strict focus on the issue. From a legal perspective, a clean record that highlights the issues will simplify the overall process. It is also critical to know that a team member is content not fully agreeing on a path forward and will not retaliate (i.e. 4 on the 5-finger consensus method).

> ➢ **ACTION**: DS Consulting will submit the Steering Team's list of elevation criteria to the RM&E team and ask the RM&E team to provide suggestions and/or improvements back to the Steering Team.

### *WATER elevation process – How to elevate?*

Steering Team members then discussed how an issue should be elevated. The following recommended steps were discussed:

> (1) Briefly and clearly frame the issue for advice/resolution in writing.
> (2) Provide initial ideas discussed at the technical level (pros/cons).
> (3) Clarify the type of issue: budget, policy, technical, project, legal, etc.
> (4) Prepare information for a presentation, including who needs to be present.

ODFW noted that many of the disputes at the RM&E level highlight that the ranking process does not work well. A pattern ensues where agencies submit their rankings, the Corps does not fund any of their highly ranked projects, and there is no follow up. Donna recommended that managers provide ongoing guidance to the technical staff about questions they need answered through RM&E and address why certain questions are being asked.

NMFS stated that the Fall Creek project is a top priority for their agency, but how the Corps funds projects clouds a lot of the discussion. The Corps noted that projects are funded beginning in October, with time sensitive research receiving funding immediately. Projects that start later in the year receiving

remaining funds. The Corps noted that there is a balancing act between time sensitive research, high priority projects and available funding. ODFW noted that their agency became concerned when high priority projects were pushed to the middle of the funding list because time sensitive research, that was lower priority, received funding first. NMFS recommended clarifying the funding complexities to technical staff as a way to validate the Corps' fiscal limitations and build trust between all of the agencies. It was noted that just such a discussion is planned for the 8/25 RM&E meeting.

### *Follow-up on Lookout Point Plan*

ODFW had yet to see a plan being developed by NMFS and the Corps. NMFS suggested that the Corps managers follow up with technical staff and send the plan to Steering Team members (rather than to ISAB). The Corps agreed to provide Steering Team members and G4 members with the tentative Lookout Point Plan as developed by the Corps and NMFS.

> ➤ **ACTION**: The Corps will e-mail the Lookout Point Plan to Steering Team members and G4 members before the G4 meeting on August 31st. The Steering Team will discuss the Lookout Point plan and whether/when to share with the RM&E Team.

### *Next Steps*

The group discussed upcoming dates for a Steering Team workgroup session. The next meeting will be September 8th from 2:30-5 pm at DS Consulting.  DS Consulting will work with Dan Spear to provide potential dates and a proposal for an October work session at the September 8th Steering Team Meeting.

Donna thanked group members for actively participating in the meeting and encouraged everyone to keep the lines of communication open.

*The DS Consulting Facilitation Team respectfully submits this summary.*

*Suggested edits are welcome and can be provided to Emily Plummer at emily@dsconsult.co*

# USING CONSENSUS

The word consensus comes from the Latin "consentire", meaning 'to feel with' or 'perceive with'. It is defined as "group solidarity in sentiment and belief". Because so many people are pleased with the long-term results of consensus decisions, many groups are choosing to use consensus as their decision-making method.

Prior to using consensus, a group first must decide whether it will use "pure" consensus (with no alternative method for decision-making), or "modified" consensus (with a fallback method such as voting or executive decision). Both can work to help groups make important and effective decisions. What is <u>critical</u> is that the group is clear about which method it is using before it begins a decision-making process. If a fallback method is chosen, it is important to define precisely the circumstances under which the fallback method will be used. This might be: an agreed upon time limit is reached, the issue involves minor spending issues, a timely decision is critical for moving forward, or there is no possibility of a consensus due to policy views of the entities present, etc.

**STRAW POLL CONSENSUS**
One of the most trying aspects of consensus for some people is the tendency for groups to "talk an issue to death" as they struggle for unity of thought. The following straw poll system has been developed to help groups "see" where members stand in the course of a conversation. It is important that the straw poll not be used to circumvent discussion, but rather to aid and allow members to have a sense of whether or not more discussion is needed. No matter what the straw poll shows, it is always recommended that group members be asked whether or not there is a need for further comments or discussion.

<u>How it works</u>:

After a statement or questions is clarified, members are asked to show the group where they stand on the issue by raising one or more fingers, as follows:

"1" I can say an <u>enthusiastic yes</u> to the decision (or action).

"2" I find the decision <u>acceptable</u> and have no serious objections. Improvements could be made, but aren't necessary.

"3" I can live with the decision, but I'm <u>not overly enthusiastic</u>. I have questions about the strengths & weaknesses and need more discussion or more work done.

"4" I do not fully agree with the decision and need to <u>register concern</u>. However, I <u>will not block</u> the decision. More discussion is necessary for full support.

"5" I <u>do not agree with the decision and will actively block its movement</u>. More discussion is necessary or an alternative resolution is needed.

CAUTION: If one member shows a 3, 4 or 5, the group should make time to listen to and consider what the person has to say, <u>if</u> that person wants more discussion.

# Differentiating Between "Consultation" And "Consensus"

| Consultation | Consensus |
|---|---|

| **Statement of Purpose** | **Statement of Purpose** |
|---|---|
| "To build consensus as a basis for a decision" | "To build consensus as a basis for a decision" |
| "To inform and become informed" | "To inform and become informed" |
| "To achieve stakeholder input and buy-in" | "To achieve stakeholder input and buy-in" |
| "To meaningfully involve interested parties" | "To meaningfully involve interested parties" |

## The Similarity Ends Here!

| Consultation | Consensus |
|---|---|

| | Consultation | | Consensus |
|---|---|---|---|
| **Participants:** | Advocates | **Participants:** | Decision makers |
| **Objectives:** | Hear the voices of many interests | **Objectives:** | Search for a single voice that speaks for all interests |
| **Activity:** | Make representations | **Activity:** | Find trade-offs |
| **Approach:** | Positional | **Approach:** | Interest-based |
| **Process** | Predetermined by decision maker | **Process** | Participant-designed |
| **Interaction:** | Contact among parties from none to a lot | **Interaction:** | Relationship builds among the parties through the process |
| **Negotiation:** | Implicit—if at all, in the 'back room' and consensus is not required | **Negotiation:** | Explicit—"above board" and includes consultation |
| **Outcomes:** | Many inputs to ultimate decision maker | **Outcomes:** | "One output"—either the actual decision or consensus recommendation to ultimate decision maker |
| **Time Lines:** | Prescribed | **Time Lines:** | Participant-driven, sometimes within parameters |

# Four Level Empowerment Grid
A tool to help managers and staff think and talk about decision making

Management Role ←———————————————————→ Staff Role
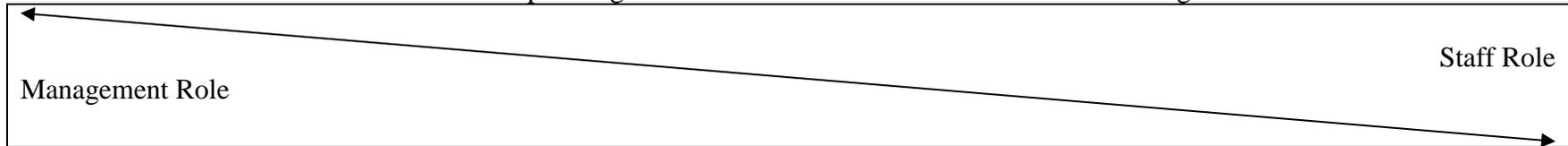
| Level I<br>Directive Style | Level II<br>Consultative Style | Level III<br>Participative Style | Level IV<br>Delegative Style |
| --- | --- | --- | --- |
| Management decides and then informs staff | Management decides after consulting staff | Staff recommend and act after receiving approval | Staff decide and act (pre-approval) |
| *Appropriate Situations* | | | |
| Information is sensitive, staff lack skills or experience, or accountability can't be shared | Accountability can't be shared but management wishes input from staff | Staff ideas and active participation are desired, but risk is high or members lack experience to go it alone | Staff have the needed skills and can assume full accountability for outcomes |
| *Effect* | | | |
| Management control and accountability; staff are dependent | Management benefits from staff ideas; staff are more involved than at level I | Staff take initiative and implement outcomes; management and staff are interdependent | Staff take responsibility and are independent |

*From "Facilitating to Lead! Leadership Strategies for the Networked World" by Ingrid Bens*
*Courtesy of DS Consulting*