

CHARTER:

MATILJA DAM ECOSYSTEM PROJECT FINE SEDIMENT STUDY GROUP

Draft



I. MISSION

The mission of the Matilija Dam Ecosystem Project Fine Sediment Study Group is to address and resolve ongoing stakeholder concerns and agree upon a viable solution to dispose of approximately two million cubic yards of fine sediments while avoiding project reformulation or Congressional reauthorization and staying within the context of the approved environmental documents. The Study Group may recommend investigations that could refine review of these alternatives to ensure broad support of a solution.

II. SCOPE

The scope for the Study Group will be limited to joint fact-finding on management of the fine sediments for the Matilija Dam project. The Study Group will employ a fact-finding approach to develop a shared understanding of the problems to be addressed. Initially they will review reasons why fine disposal options were constrained to downstream and upstream conceptual plans (BRDA MODA, & USA). The Study Group will identify and document potential data gaps and any technical questions that need further review or analysis. The group will achieve consensus on recommendations for further study, review, and/or cost estimating needed to develop a consensus-based solution for management of the fine sediments in the Matilija Reservoir.

Fact finding is described as follows: Parties agree upon a defined list of problems or questions, discuss what factual/technical questions they believe to be relevant to the problem, exchange information, identify where they agree and where they disagree, and negotiate an approach to request additional information, either to fill data gaps or to resolve areas of disagreement.

The Study Group will strive to develop a consensus-based work plan for disposal of fine sediments (consistent with the project description for removal of Matilija Dam as authorized by Congress in the 2007 WRDA legislation) before looking at other disposal options. The Study Group will recognize potential risks associated with pursuit of alternative work plan recommendations. Such risks include timing and quantification of project benefits, suspension of design efforts, initiation of multi-year cost-shared studies, potential loss of Congressional support and Project Partner budget limitations.

Study Group members will work jointly to:

- Review and confirm understanding of pertinent metrics, modeling and technical studies used by the Corps and the District in preparing the fine sediments trade-off analyses during the Design phase of the project

- Identify and clarify the issues and concerns regarding disposal or management of the fine sediments
- Define scientific, technical and or engineering questions to be addressed,
- Identify reviews, modeling or investigations, and the expertise needed to address those questions
- Develop and recommend any other assumptions and metrics that should be considered in preparing additional analyses on key parameters (such as sediment impacts on downstream water purveyors, water quality or habitat)

The Study Group will be professionally facilitated.

III. SPONSORSHIP

The Study Group is jointly sponsored by the Project Partners of the Matilija Dam Ecosystem Restoration Project. Partners include: the Ventura County Watershed Protection District, the State Coastal Conservancy, the US Army Corps of Engineers and the US Bureau of Reclamation.

IV. MEMBERSHIP

Study Group members will contribute technical expertise and/or regulatory authority, and/or a deep knowledge of the issues to be addressed in developing solutions for fine sediment disposal/management for the Matilija Project.

Membership of the study group is composed of the Project Partner agencies and one representative of the following agencies/interested stakeholders:

1. U.S. Army Corps of Engineers (Partner)
2. U.S. Bureau of Reclamation (Partner)
3. State Coastal Conservancy (Partner)
4. Ventura County Watershed Protection District (Partner)
5. Other Ventura River water districts
6. Matilija Coalition
7. NOAA Fisheries
8. U.S. Fish and Wildlife Service

9. California Department of Fish & Game
10. Ojai Valley Land Conservancy
11. Los Angeles Regional Water Quality Control Board
12. Casitas Municipal Water District Board member
13. Casitas Municipal Water District staff
14. Ventura County Board of Supervisors

V. ROLES & RESPONSIBILITIES

Study Group members will be authorized to represent their agency or organization and to engage in consensus decision-making on behalf of their respective agencies/organizations.

Study Group members commit to attend all meetings if possible. Use of alternates is discouraged, as this can interfere with the continuity of discussion and decision-making, especially given the intensity and short time frame of the meeting schedule.

The Study Group members will make a good faith effort to achieve consensus in order to produce a set of recommendations for the project partners to consider.

Members will regularly communicate information about the process to their organizations or agencies, as well as to the individual constituencies and communities they represent. Members commit to represent the views of the Group to their respective agencies/organizations, and in turn to represent the feedback and views of their respective agencies/organizations to the Study Group.

The Study Group will make decisions in accordance with the rules set out in Section VIII B. below.

VI. ANTICIPATED OUTCOMES/WORK PRODUCTS

The Study Group will produce a Work Plan report that describes the Groups areas of agreements and disagreements on:

- Problem definition
- Issues/questions to be addressed to develop consensus-based fine sediment management solution(s)

- Data gaps
- Recommendations for further actions
- Analysis of implications of these actions considering the constraints of cost and schedule and the context of the approved environmental documents for the project.

Disagreements which the Group is unable to resolve will be noted in the report along with a discussion of the issue and the efforts made to resolve it.

The Study Group's report will be delivered in writing to the Project Partners and to the Ventura County Board of Supervisors. Work products produced as a result of the Work Plan report will undergo standard USACE technical review.

Authorship of Final Report: The Study Group final report will be drafted by the meeting recorder with facilitator input, reviewed by the Project Partners, sent out to Study Group members for review, and finalized by the Partners.

VII. MEETING FORMAT & TIMELINE

A. Timeline

The Study Group will meet up to four times, approximately twice per month as feasible.

Anticipated meeting period is between December 2010 and late February 2011.

B. Format

Meetings will be either full-day or half-day.

All Study Group members are expected to attend all meetings. Members will attend at least the first two meetings in person. Webinars will be set up as needed for remote participation, though this option will be offered only under unavoidable circumstances and with advance agreement of the Study Group members and the facilitator.

Meetings will be held at the Ventura County Government Center.

Study Group members are expected to actively report back and work with their constituent group agency or board to facilitate efficient and fully informed discussions and decision-making at each meeting.

C. Identified Stakeholders / Team Members

Although study group meetings will be open to any public member to observe, some key stakeholders/team members will be invited to attend Study Group meetings. Stakeholders/team members may include staff members of the

agencies or organizations at the table with specific expertise pertaining to issues up for discussion or recommendations, or knowledgeable members of the public who have historical familiarity with the fine sediment disposal issue.

Deliberations at Study Group meetings will be limited to Study Group members. However, stakeholders/team members will have opportunities to provide structured comment or questions to the Group during the course of the meetings.

Breaks may be scheduled to allow Study Group members to confer and caucus with stakeholders/team members attending the meeting. The decision to convene breaks will be made by the Group in consultation with the facilitator.

D. Meeting Summaries

Summaries of meeting discussions and outcomes will be provided by the facilitator and reviewed by the Study Group before being finalized at the end of each meeting. Meeting summaries will consist of action items and key issues discussed. Detailed meeting minutes will not be provided.

The Ventura County Office of the CEO will provide staff to take notes during each meeting, prepare draft summaries including any flip charts from each session, distribute draft to Group members, and prepare final summary in collaboration with the facilitator.

VIII. OPERATING RULES

A. Ground Rules

The following general operating principles will guide the deliberations of the Study Group:

- The goals of the Study Group effort will best be achieved by relationships among the members characterized by proactive good will, responsiveness, flexibility, and open communication.
- All members of Study Group commit work toward the common goals of the Group.

To that end, members will:

- Commit to expending the time, energy and organizational resources necessary to meet the objectives of the Group
- Recognize the complexity involved in resolving the fine sediment disposal issue and the need for collaborative problem solving to find the best solutions

- Treat each other with courtesy and respect at all times
- Be prepared to listen intently to and respect the values, interests and concerns of other members.
- Seek clarification respectfully to ensure full understanding of each others' interests and perspectives
- Refrain from ascribing motives or intentions to other members
- Regard disagreements as problems to be solved rather than battles to be won

B. Decision-making and Decision Rule

Consensus as the Fundamental Principle: The Study Group shall strive for consensus (agreement among all participants) in all of its decision-making.

Definition of “Consensus” Process:

Taking a consensus-based approach to decision making does not mean that 100 percent enthusiastic support for every recommendation will be required to move forward with Study Group recommendations. It does mean that every effort will be made to reach consensus, and that opposing points of view will be worked through thoroughly to identify potential areas of agreement.

In testing the level of support for a proposal or recommendation, the facilitator will employ a tool called the Gradients of Agreement. This tool is a mechanism for testing the level of agreement on a proposal that expands on the traditional “yes” or “no” voting.

The Gradients of Agreement are typically described as follows:

- 1— Strong opposition: no amending of the proposal will be acceptable to the member
- 2— Oppose unless amended. Member will oppose unless the proposal is amended, member clarifies what needs to be amended.
3. Stand aside. Member notes disagreement, but will stand aside to allow the group to reach consensus without them.
4. Neutral. The proposal doesn't affect the member or their interest.
- 5— Live with it/workable. Member doesn't love the proposal but can live with it
- 6— Strong support

PROPOSED DECISION RULE: *A Study Group decision or recommendation will be considered a consensus decision if a majority of all the non Project Partner members, and all Project Partner members register 3-6 on the Gradients of Agreement scale of consensus.*

C. Accountability

Because the timeline is relatively short, it is vital that Study Group members commit to actively report back in a timely manner to their agencies or organizations regarding the issues outcomes of each meeting. Study Group members also commit to accurately report back their respective organization's comments or recommendations to the Group.

D. Addressing the Media

Study Group members agree to notify other Group members if they are contacted by the media.

In responding to media requests, Study Group members agree to share their own perspectives while refraining from characterizing other Group members' views or comments.

E. Public Outreach

Once the Study Group is scheduled to convene, Project Partners will notify the Design Oversight Group e-mail list.

Outcomes of each Study Group meeting will be posted to the Matilija Dam Ecosystem Project website.

At conclusion of the Study Group, the Project Partners will convene a meeting of the Design Oversight Group to discuss Study Group outcomes.

IX. STAFFING

Staffing for the Study Group will be shared by the Project Partners and the Ventura County CEO's office, with limited assistance from the CCP facilitation team.

Jeff Pratt, Director, Ventura County
Public Works Agency

Mike Hollebrand Meiners Oaks
Water District

Darrell Buxton, Program Manager,
US Army Corps of Engineers

Brian Cluer, NOAA

Bob Thiel, State Coastal
Conservancy

Paul Jenkin, Matilija Coalition

Steve Bennett, Supervisor, Ventura
County

L.B. Nye, Los Angeles Regional
Water Quality Control Board

Blair Greimann, US Bureau of
Reclamation

Greg Gamble, Ojai Valley Land
Conservancy

Russ Baggerly, Board of Directors,
Casitas Municipal Water District

Chris Dellith, US Fish & Wildlife
Service

Steve Wickstrum, General Manager,
Casitas Municipal Water District

Betty Courtney, California
Department of Fish & Game