

OREGON MID-COAST IMPLEMENTATION –READY TMDL STAKEHOLDER ADVISORY COMMITTEE**DRAFT Detailed Facilitation Process Design Overview/Outline****I. Introduction**

The outline below represents a proposed approach for organizing stakeholder involvement in the development of “implementation-ready” total maximum daily loads (IR-TMDLs) for 303(d) listed water bodies in Oregon’s Mid-Coast Basin (collectively, the Mid-Coast TMDL). This proposed process for stakeholder involvement in developing the Mid-Coast TMDL is based on Oregon Department of Environmental Quality (DEQ) rules and policy, as well as on information gathered during an assessment by the facilitation team from Oregon Consensus documented in the Report “Mid-Coast TMDL Stakeholder Advisory Committee Re-Convening Assessment” (Draft November 10, 2011). It is to be emphasized that this is a ***draft*** process proposal, and the stakeholder Committee itself will also have an opportunity to shape the process once it is convened and periodic revisions may be necessary throughout the process.

II. Process Outline**Overall Structure/Participation**

- Multi-Part Structure
 - Two Primary Stakeholder Groups
 - Local Stakeholder Advisory Committee (LSAC)
 - Technical Working Group(s) (TWGs) (as needed)
 - Two Process Support/Administrative Groups
 - LSAC Coordinating Team
 - Project Team
 - One Secondary Stakeholder Group
 - Ad Hoc Policy Group (AHPG)

Group Descriptions

- Local Stakeholder Advisory Committee (LSAC)
 - Committee of primarily local representative stakeholders (similar to prior TAC)
 - Representatives invited from interested sectors, including: agriculture, private forestry, local government, local nongovernmental organizations (NGOs)/conservation groups, watershed councils, state agencies, federal agencies, tribal nations, funding agencies and entities, and point (e.g., NPDES permittees) and nonpoint sources (from within geographic area of the TMDL).
 - Primary group to consult with DEQ and provide input on TMDL development and implementation planning
 - Active participation will be limited to the members of the LSAC group.
 - Meetings will include allotted time at the end of the agenda for public input

- Technical Working Group(s) (TWGs)
 - Composed primarily of individuals with:
 - technical capacity to engage in detailed discussions of technical approaches, methods, data collection & analysis, statistics, modeling, etc., or
 - expertise in implementing water quality improvement, riparian or aquatic restoration projects and/or sector-specific best management practices (e.g., agriculture, forestry, urban)
 - Allows smaller scale discussions of technical and implementation issues among those most informed
 - Will report out to LSAC on deliberations, conclusions, and recommendations
 - TWG members who are not regular, active participants in the LSAC will be encouraged to attend LSAC meetings as observers
 - Composition may change depending on topic (impairment or sector) and geography
 - Membership
 - Self-selected members of the LSAC with technical expertise
 - Technical experts from stakeholder organizations represented on the LSAC
 - May choose to invite “outside” parties with particular expertise on an issue to engage in review, discussions and provide input or opinions, as needed.
- LSAC Coordinating Committee
 - Convened initially, then as needed
 - Representative subset of the LSAC designated by consent of the LSAC to work with the facilitation team and DEQ on agenda development and meeting planning
 - Helps ensure that meetings and presentations are well designed to meet stakeholder needs
 - Members will be selected with guidance from DEQ and in coordination with the LSAC
- Project Team
 - Consists of the facilitation team and key staff from DEQ and EPA (including EPA’s contracting team (The Cadmus Group and Oregon Consensus).
 - Works to ensure that the Mid-Coast TMDL stakeholder facilitation process receives appropriate technical and process support, coordination, and funding.
- Ad Hoc Policy Group (AHPG)
 - Includes LSAC representative(s) and non-local stakeholders that have clear and pertinent interest in the Implementation-Ready TMDL process or outcomes.
 - E.g., parties to the CZARA litigation, similarly interested regional or national conservation organizations, associations of point or nonpoint source industries or related agencies (e.g., associations of local governments/municipalities, water providers, or water treatment facilities, utilities), representatives of State of Oregon Natural Resource Agencies.
 - AHPG members who are not regular, active participants in the LSAC are encouraged to attend LSAC meetings as observers

- Will have formal opportunities to interact with DEQ and the LSAC on an as-needed basis
 - Through separate Ad Hoc Group meetings or through a periodic structured component of the LSAC meetings

Operating Principles and Guidelines

- LSAC and TWGs
 - LSAC will develop its own agreed-upon set of process guidelines governing the LSAC and TWG processes (Project Team will provide guidance & strawman proposal for Operating Principles)
 - Key provisions of document:
 - Process purpose and objectives – including appropriate sideboards
 - Membership list/criteria and rules for participation (attendance, etc.)
 - Duty of participants to represent their constituencies (i.e., communicate up and down their chain of command)
 - Communication protocols – with each other and with outside parties
 - Relationship and coordination protocols between the LSAC, the TWGs, and AHPG
 - Role of neutral facilitator
 - Meeting logistics/protocols/ground rules
 - Decision-making protocols (linked to purpose/objectives)
- Ad Hoc Policy Group
 - As the Ad Hoc group is operating in a secondary role with respect to the Mid-Coast TMDL, it will adopt a more limited and suitable set of operating guidelines, which will also be documented.

Third Party Neutral

- Provides neutral forum – facilitates discussion
- Works on behalf of entire group (not just one or a few members), consistent with the Operating Principles
- Allows all participants to act consistent with their interests without conflict
- Assists with building trust and relationships by providing level playing field
- Keeps participants on task and process moving forward

Organizing the Discussion

- General
 - LSAC – Acts as a central forum or hub for stakeholder input to DEQ on TMDL development and implementation planning
 - Provides preliminary feedback on technical approaches and data collection
 - Works with DEQ to task TWGs
 - Reviews TWG input and provides input/recommendations to DEQ

- TWGs – Act as primary forums for discussion of technical components of TMDL development and implementation planning
 - Organized initially by impairment/parameter (e.g., temperature, sedimentation, bacteria) and designated beneficial uses
 - Subsequently may reorganize or subdivide into geographically focused discussion groups based on the process and topics needs (e.g., implementation planning)
 - Reports on outcomes of deliberations to the LSAC for review and conveyance to DEQ
- AHPG – Provides a forum for discussion and input on high level/policy concerns related to CZARA/CNPCP issues and the Implementation-Ready TMDL process from non-local stakeholders
 - Provides input on LSAC/TWG deliberations and outputs to DEQ, as needed
 - May be periodically invited to engage directly with LSAC and/or TWG discussions
- LSAC, TWG and AHPG meetings will be open to the public and meeting documents (including process documents, agendas, materials, and action items) will be made available on the project website
- Issues for Discussion
 - LSAC will develop its own issues list and work plan in consultation with DEQ
 - The Project Team will develop a straw list of issues, meeting agendas and schedules for consideration at an early LSAC meeting
 - TWGs will develop detailed issues lists and work plans for each impairment/parameter, in consultation with DEQ (see Outlines below)
 - The Project Team in coordination with LSAC will develop issues lists for consideration upon the convening of each TWG

Potential Sequencing of LSAC and TWG Discussions (*sequencing of discussions is tentative*)

- Overall Sequencing (of process and technical discussions):
 1. Process Kickoff (public information, LSAC convening, initial issue identification; background on water quality standards, impairments and beneficial use protection)
 2. Temperature
 3. Bacteria
 4. Sedimentation
 5. Dissolved Oxygen, Aquatic weeds and Algae/Harmful Algae Blooms; other stakeholder concerns
- Process Kickoff - Full Day Session (March 20, 2012 in Newport)
 - Introduce Project Team and LSAC & AHPG members
 - Overview of TMDL process generally
 - CZARA litigation context
 - Implementation-Ready TMDL overview
 - Mid-Coast TMDL brief history and current process overview
 - Detailed Mid-Coast TMDL technical status update from DEQ
 - Detailed overview of proposed process design (including OC assessment)
 - Work on operating principles

- Work on issues list and work plan
 - Review draft Agendas (time permitting)
- Temperature Technical Discussion (start mid-late April)
 - Temperature standard, data & impairments; TMDL development & implementation framework (DEQ)
 - Temperature model calibration results (DEQ with LSAC/TWG)
 - Site potential vegetation development (DEQ with LSAC/TWG)
 - Site potential modeling results (DEQ)
 - Thermal Load Allocation Approach / Implementation Planning (DEQ with LSAC/TWG)
 - Load allocation & Implementation Review (DEQ with LSAC/TWG)
- Bacteria Technical Discussion (start mid-late April)
 - Bacteria standards, data and impairments; beneficial uses (DEQ)
 - Source Assessment - Bacteria sources, processes and controls (DEQ with LSAC/TWG)
 - Modeling and Statistical approaches (DEQ with LSAC/TWG)
 - Current conditions; assessment process and results (DEQ with LSAC/TWG)
 - Modeling process and results (DEQ)
 - Identify stakeholders for allocations and implementation scenarios (DEQ with LSAC/TWG)
 - Allocation scenario evaluation (DEQ with LSAC/TWG)
 - Implementation scenario evaluation (DEQ with LSAC/TWG)
 - Load Allocation & Implementation synthesis/review/summary (DEQ with LSAC)
- Sedimentation Technical Discussion – *the construct and sideboards for this discussion are under development*
 - Sedimentation standard and listings; beneficial uses and aquatic life protection (DEQ)
 - Sediment sources, processes and controls (DEQ with LSAC/TWG)
 - CZARA/CNCP “Forestry measures”: Roads and Landslide Prone Areas (DEQ with LSAC)
 - Roads – TMDL development approach (DEQ with LSAC/TWG)
 - Landslides –TMDL development approach (DEQ with LSAC/TWG)
 - Roads - implementation approach (DEQ with LSAC/TWG)
 - Landslide Prone Areas - implementation approach (DEQ with LSAC/TWG)
 - Channel Stability, Bank Condition and Large Wood Analysis Overview (DEQ with LSAC/TWG)
 - Sedimentation implementation synthesis/review/summary (DEQ with LSAC)

Projected Schedule of Activities

- Key activities, milestones and projected target dates are:
 - March 20, 2012: Begin TMDL stakeholder advisory process.
 - March 2012-January 2013: DEQ communicates with LSAC and TWGs on TMDL development approaches and implementation planning scenarios. DEQ communicates with Policy Advisory Group as necessary and appropriate.
 - January 2013: Target date for Draft TMDL to be ready for formal public comment period.
 - March 2013-June 2013: DEQ responds to public comments and revises TMDL accordingly; LSAC assembled for close-out meeting.
 - June 2013: TMDL would be submitted to EPA for review and an approval decision to meet November 2013 settlement agreement date.