

GROUND RULES – Updated June 1, 2005 and March 21, 2007
RESOURCE COORDINATION COMMITTEE
NORTH UMPQUA HYDROELECTRIC PROJECT SETTLEMENT
AGREEMENT, FERC #1927- 008

A. PURPOSE

These ground rules make explicit the common expectations with which the participants join the Resource Coordination Committee (RCC). They describe how government agencies and PacifiCorp will work together for effective communication, the decision-making process they will use, responsibilities of the committee members to one another and to their agencies, the spirit in which they will communicate, and the responsibilities of the facilitator.

B. ROLES AND RESPONSIBILITIES OF THE RCC

1. Role of the Resource Coordination Committee:

The Resource Coordination Committee (RCC) is created by Section 21 of the North Umpqua Hydroelectric Project (FERC #1927-008) Settlement Agreement, derives authority from that Settlement Agreement, and makes collective decisions while implementing the agreement. The structure and process of the RCC is intended to be value-added to its member organizations by providing a forum to address time sensitive matters, early warning of problems, and coordination of member organization actions, schedules, and decisions to save time and expense. The RCC shall not infringe on the authority of the agencies.

2. Responsibilities of the RCC according to the Settlement Agreement:

- a. Prioritize early implementation projects (SA 19.5.1).
- b. Facilitate coordination of the implementation of the Resource Coordination Plan (RCP), including ongoing operations and maintenance (SA 21.1). As the RCP will not be finalized until 2005, this role may not take place until future years.
- c. Coordinate and monitor implementation of Protection, Mitigation, and Enhancement (PM&E) Measures (SA 21.1), and coordinate ongoing monitoring requirements by PacifiCorp (SA 21.1)
- d. Coordinate responses and evaluations specifically assigned to the RCC in the Settlement Agreement (SA 8.2.2, 8.3.3, 12.2, 14.3.3, 14.5, 17.8, 19.2.1, 22.5.2)
- e. Facilitate coordination and consultation on plans developed by PacifiCorp (SA 21.1)
- f. Review and comment on the draft annual report of RCC activities and implementation of the PM&E Measures (SA 21.4.2).
- g. Serve as a common point of contact for public information regarding Settlement Agreement implementation (SA 19.5.3).

3. Settlement Agreement Actions specifically excluded from RCC responsibility include, but are not limited to:

- a. Administration of Tributary Enhancement Program through Oregon Department of Fish and Wildlife's (ODFW) Memorandum of Understanding (MOU) (SA 21.1)
- b. Administration of Mitigation Fund through the USDA Forest Service (SA 21.1)
- c. Approval of plans and actions regarding specific PM&E measures specifically assigned to individual organizations for resource protection in the Settlement Agreement (SA 21.2).

4. RCC Established Procedures (SA 21.1.c)

- a. **Interpret the Agreement:** Apply provisions to on-the-ground planning and implementation.
- b. **Monitor implementation of the Agreement as a whole:** Provide a wider view than one agency's perspective.
- c. **Avoid surprises and errors:** Through early warning and involvement, and through organization caucuses which transmit information to and from internal organization staff, head off conflicts early.
- d. **Track progress:** Serve as the interface for the parties to the Settlement Agreement as implementation takes place.
- e. **Identify policy issues:** As policy issues arise, work collectively to define and clarify issues and options, and recommendations for transmittal to the Executive Policy Group.
- f. **Provide public information:** Serve as a common point of contact for public information regarding Settlement Agreement implementation (SA 19.5.3).
- g. **Promote efficiency:** Share information between organizations. Communicate changes in policy, procedure or regulation. Consult prior to decision-making. Share technical resources.

C. STRUCTURE OF THE RCC

1. Composition

The RCC consists of eight members with equal authority who represent each of the following eight organizations: USDA Forest Service; USDI Bureau of Land Management; USDI Fish and Wildlife Service; National Marine Fisheries Service (NMFS); Oregon Department of Fish and Wildlife; Oregon Water Resources Department; Oregon Department of Environmental Quality; PacifiCorp.

2. Representation

Each organization represented will appoint a member and an alternate to represent the interests and concerns of that entity. The RCC will be informed when changes in a member or alternate are necessary.

3. Caucus Structure

Each RCC member will form a caucus within the organization they represent. Each caucus will develop procedures for keeping its members informed of the progress of the RCC and procedures for development, ratification and implementation of RCC recommendations within the spirit of these ground rules.

D. RCC MEETINGS

1. Schedule and Agendas

- a.** The RCC will meet regularly as scheduled in advance. Meetings will be task-oriented with specific agendas.
- b.** Members will receive agendas and other information prior to meetings. It is each member's responsibility to keep abreast of upcoming meeting dates and agenda issues.
- c.** A review of proposed agenda items for the next meeting will be provided at the conclusion of each RCC session. Draft agendas will be distributed at least seven and preferably fourteen days prior to RCC meetings.

2. Record Keeping

- a.** A record will be kept by the facilitator of every meeting which documents, at a minimum, members present and decisions made.
- b.** A meeting summary from the prior meeting will be distributed for review with each draft agenda.
- c.** At the beginning of each meeting, the prior meeting's summary will be amended as needed and approved.
- d.** Draft meeting summaries containing RCC decisions and directives will be distributed to members only. Meeting summaries are working documents until approved by the RCC.
- e.** After approval, meeting summaries including attachments related to RCC decisions, become part of the public record, will be posted on the PacifiCorp website, and will be included in the Annual Report.

3. Meeting / Conference Call Participation

- a.** Consistency at the table is critical. Only one person can represent each organization at the table, but RCC members may be accompanied to meetings by other persons from within their agency or organization that are necessary to provide technical and other support. Individuals from outside the eight member RCC organizations may be invited to RCC meetings.
- b.** Invitees will be asked to confine comments to issues at hand, subject to time limits, so as not to dilute discussion.
- c.** Invitees who are not RCC members and not on any caucus may address the RCC and/or participate in discussions at the request of a member and with RCC agreement.

4. Public Participation

- a. Members of the public may attend RCC meetings as observers.
- b. Notification of RCC meeting dates and location will be made via web postings by PacifiCorp.
- c. Notification of meeting dates and location will also be made for open houses and other public meetings the RCC may sponsor (See Section H: Public Information).
- d. Public comment will be limited to two comment periods scheduled on the agenda. A period will be designated near the beginning of the meeting for agenda-specific comments, and a period will be designated near the close of the meeting for more general comments about Settlement Agreement implementation. Public comments shall be limited to three minutes per person. The RCC may expand or decrease the comment period for individual speaking time.
- e. Written comments to the RCC are encouraged and will be accepted at any time. Written comments will be incorporated in the record.
- f. The RCC shall endeavor to address public comment on agenda items during that meeting, or on a subsequent meeting agenda by the RCC.
- g. In order to assure that the RCC remains a working committee, the time periods reserved for public comment may be contained with the use of a sign up sheet for a pre-determined number of slots.
- h. The agenda and ground rules will be available to members of the public attending the meeting.
- i. The RCC may hold a closed work session before, during or after an RCC meeting. In such a case, the RCC will report any results of that work session at the subsequent public meeting. The RCC will not make final decisions during a closed work session.

E. RCC MEMBER PARTICIPATION

1. Statements, positions, and offers made during the RCC process are voluntary and are made only for purposes of the planning process. They are not to be considered findings for any other purpose, including litigation and administrative procedures, except when duly recorded in the meeting notes.
2. Members agree to work cooperatively to fulfill the responsibilities assigned to the RCC as established by the Settlement Agreement. No policies, approaches or decisions will be adopted unless there is agreement among the RCC members. The purpose of RCC discussions is to find agreement. Members will respect the interests of all participants and will try to incorporate the goals of all members into its recommendations.
3. If a member or alternate is unable to be present or to provide their proxy to another RCC member for three consecutive meetings and/or conference calls of the RCC or of a technical work group of which they are a member, their agency will be notified and a replacement member will be requested.
4. Members will act in good faith at all times. This includes the “No Surprises” rule: members will not act or speak in a place, time or manner that may surprise or put off-

guard other members. Good faith also includes making the effort to resolve disagreements in person rather than using email, early disclosure of issues or problems, following through on commitments, sharing information on related matters, and characterizing individual or caucus viewpoints fully and accurately. Good faith efforts include working directly with the RCC representative rather than seeking resolution with other members of an organization.

5. Discussions of substance and development of solutions will focus on interests and concerns rather than positions and demands. Members will respect the concerns and interests of others, whether or not they are in agreement with them. Members will work in the spirit of giving the same priority to solving the problems of others as their own.
6. Members will seek commonalities in their respective views and will seek to identify convergences of mission, opinion and values.
7. Members will state their own concerns and interests clearly, listen carefully to others, and explore issues from all points of view before forming conclusions.

F. COMMUNICATION DURING PROCESS

1. Committee and caucus members agree that successful collaboration depends upon individuals who work within the group to resolve issues and develop coordinated materials to inform the public on their activities.
2. Participants agree to work collaboratively. To the extent that is practical, committee members will interact at the table or between meetings in person. If contacted by members of the public or the media, participants agree to speak only for their organization on specific elements of implementation, and to forward to the facilitator and the other parties inquiries that affect other members of the RCC.
3. With regard to those portions of the Settlement Agreement relating to the RCC, participants will not attempt to influence the public, lobbyists or the media unless requested to do so by the RCC. Participants agree not to reach out as individuals or individual agencies to the public or the media in an effort to influence the RCC process, but to approach the public and media as a collective, collaborative entity.
4. Public products related to RCC activities will be adopted by the RCC as a whole.
5. With regard to internal written material, members agree not to characterize the motivations or positions of any other participant or caucus. Members agree to only represent positions of the RCC that have been agreed upon and to present those positions fully and accurately, including any formal dissent. This is not meant to restrict members from briefing their managers and appropriate public officials on the viewpoints and perspectives of other RCC members.

6. The first avenue for resolving differences is through the RCC. If this is not successful, the Settlement Agreement provisions for dispute resolution in Section 22 will be used.
7. The RCC does not intend to restrict the free flow of discussion or information, written or verbal, between the members, caucuses, or technical staff as they work to implement the Settlement Agreement. The RCC is a problem-solving group available as needed to assist efficient Settlement Agreement implementation.

G. ROLE AND RESPONSIBILITIES OF THE FACILITATOR

1. The facilitator is an impartial individual who guides the process. The facilitator chairs the RCC meetings, prepares agendas and meeting summaries, and coordinates logistics.
2. The facilitator will keep the RCC focused on the mission, agenda, and agreed-upon tasks, and may suggest alternative procedures, and will encourage participation by all members.
3. The facilitator shall be the designated contact point and spokesperson for the process and its progress unless otherwise agreed by the RCC. She will contact members of the RCC as needed to assist with public information needs.
4. The facilitator may communicate between meetings with individual members and caucuses, and assist the free movement of ideas between members and caucuses.
5. The members by consensus may change the facilitator's duties.

H. PUBLIC INFORMATION

1. The RCC will provide public information as often as possible within the context of its responsibilities to speak as a group with consensus. The RCC will seek public involvement through public meetings, open houses, and/or other means of communication as agreed upon. At these times it will consult with the public about matters under discussion and receive suggestions.
2. Public information through the RCC is separate from and in addition to public information through the site-specific National Environmental Policy Act process undertaken by public agencies.
3. If the RCC wishes to make a public statement, a joint statement suitable for discussion with the media will be agreed to by the RCC in advance. When responding to the media, the members shall respond within the spirit of the media statement agreed to.

I. DECISION-MAKING

1. Consensus

- a. The principle which underlies RCC decision-making is that the RCC will do everything it can to carry out the Settlement Agreement, and will assist all members to identify mutually acceptable and appropriate means to do so.
- b. Approval of a *substantive decision* by the RCC shall be by consensus among its members through a formal polling process. Each member will register his or her degree of agreement with the decision according to the language in the chart below. The facilitator will record the polling results as noted below.
- c. A *substantive decision* is defined as establishing priorities of early implementation projects, recommendations to the Executive Policy Group for amendments (SA 22.6) to the PM&E Measures implementation schedule, approval of any written product of the RCC for general circulation such as annual reports (SA 21.4.2), evaluations and monitoring assigned to the RCC in the Settlement Agreement, public information material, or other actions of the RCC required to carry out its roles and responsibilities described in Section B.
- d. A substantive decision will be made by the RCC in a manner that allows time to communicate within caucuses.
- e. Consensus is defined in terms of agreement along a continuum summarized in the chart below. Committee members will communicate the degree of their agreement with language from the first four columns:

Endorse	Stand aside	Abstain	Formal disagreement but will go with the majority	Block
"I like it or can live with it"	"I don't like this but I don't want to hold up the group"	"I have no opinion"	"I want my disagreement to be noted in writing but I'll support the decision"	"I cannot move forward with this proposal"

- f. If any party states that its position is characterized by the "block" column to the far right of the chart, the RCC does not have consensus.
- g. If all RCC members indicate positions characterized by any of the four columns to the left, the RCC has "agreement by consensus".
- h. The purpose of the position statements in the four columns to the left side of the chart is to share information with other RCC members about degree of support. However, for the purposes of the meeting notes, the facilitator will record RCC member positions as follows:
 - "Endorse" or "Stand aside" will be recorded as support.
 - "Abstain" or "Formal disagreement" will be recorded as an abstention that does not prevent consensus (For example the notes may state: " A consensus decision was reached with two abstentions").
 - "Block" will be recorded as no consensus due to a block.

- i. “Formal disagreement” but support of majority consensus is a position intended to note a member organization’s dissent with the decision, yet allow it to concede that the decision is the best way to proceed to implement the Settlement Agreement. The rationale for the formal disagreement will be put into writing by the member and facilitator, agreed to by the RCC, and included in the description of the RCC decision. In this manner the RCC will support the rationale for the dissent, yet proceed with what it determines to be the best course of action.
- j. Registering a “Block”, a “Formal Disagreement” or a “Stand Aside” by a member requires that the RCC revisit the language of the proposed decision to attempt to meet the interests of the party so registering. A second polling of the members will then take place. After the second poll, any register of a “Block” moves the decision into the dispute resolution process as described in Section 22 of the Settlement Agreement.
- k. If an RCC member is not present for a substantive decision and does not respond to three inquiries on that decision within two weeks after the pertinent RCC meeting, the organization’s position shall be registered as abstain from the decision. RCC members may provide their voting proxy to another member. The vote will be recorded by the facilitator as a vote by the member providing the proxy.
- l. Non-substantive decisions may be made by voice (aye/nay), or by the facilitator’s request that any dissenting member disclose his or her dissent. In the absence of such objection, the facilitator may declare consensus.

2. Quorum

A quorum of members must be present to conduct official business on behalf of the RCC. A quorum is four of the eight members. For substantive decisions, all eight members of the RCC must register a position at the RCC meeting, by written correspondence, or by recorded communications to the facilitator within two weeks of the pertinent RCC meeting. In the event of abstaining by default due to non-response, the facilitator will so note for the record (see 1. k above).

J. TECHNICAL WORK GROUPS

1. Technical work groups will be formed by consensus of the RCC to facilitate PM&E implementation. The purpose of such groups is to minimize process, reduce costs, and serve as forums for efficient information exchange. The Resource Coordination Plan may define the process for establishing sub-committees and technical work groups as well as their roles and responsibilities. This Plan will be completed in December 2005. In the interim, new PM&E’s that require RCC participation will be addressed at the next scheduled RCC meeting with the intent of identifying a technical work group process. These groups may include persons who are not members of a caucus.
2. The RCC will define and ratify the scope of work and timeline for technical work groups.
3. Requests for technical information and research by participants of a technical work group of the RCC must come through the RCC. New research and data collection involving significant cost or time must be authorized by the RCC.

4. The Public is welcome to attend technical work group workshops. Information about attendance opportunities will be made available during an RCC meeting in which the technical work group is established and posted on the PacifiCorp website.
5. Revision of RCC-approved Documents: *Ground rules addendum 3.21.07*
Revisions to RCC/agency-approved documents will be required periodically to keep them updated and relevant to ongoing PME implementation. Revisions will generally be discussed and made within TWGs. Revised documents will be submitted to the RCC with TWG recommendation that the revised documents supersede previous versions. If any of the following conditions exist, formal RCC approval is required:
 - a. The document is required by or will be submitted to FERC;
 - b. Revisions substantially changed the nature, intent, or schedule of an implementation or monitoring measure;
 - c. Revisions are expected to affect the associated budget or fund by more than 20%; and/or
 - d. Revisions were not unanimous within the TWG and would benefit from higher level review.

If the above conditions do not apply to RCC/agency-approved documents, the TWG has authority to make the revision and notify the RCC. The RCC may elect to provide formal approval of such minor TWG revisions for the record.

K. PRODUCTS

1. The annual report shall be transmitted by PacifiCorp to the members 30 days before the scheduled date for consideration and approval by the RCC, as provided for in the Settlement Agreement.
2. Meeting agendas, meeting summaries, and other meeting products shall be prepared, distributed and/or adopted as described in D.2 above.
3. If additional written products and reports are agreed upon, there will not be minority reports. A single report encompassing both issues on which there is agreement and issues on which there are differing perspectives will be reviewed and approved by the RCC.

L. AMENDMENTS TO GROUND RULES

Participating in RCC meetings signals an understanding and acceptance of the ground rules. The RCC may amend these ground rules by consensus. Modification of the ground rules will be considered a substantive decision.

END