

ICICLE CREEK WORK GROUP

OPERATING PROCEDURES

July 2015

Vision: The Icicle Creek Work Group seeks to find collaborative solutions for water management within the Icicle Creek drainage to provide a suite of balanced benefits for existing and new domestic and agricultural uses, non-consumptive uses, fish, wildlife, and habitat while protecting treaty and non-treaty fishing interests.

Purpose: The purpose of the Icicle Creek Work Group (“Work Group”) is to develop a comprehensive Icicle Creek Water Resource Management Strategy through a collaborative process that will achieve diverse benefits defined by all of the Guiding Principles below. The Work Group will use best available science to identify and support water management solutions that lead to implementation of high-priority water resource projects within the Icicle Creek drainage.

Guiding Principles

1. Streamflow that:
 - a. Provides passage,
 - b. Provides healthy habitat,
 - c. Serves channel formation function,
 - d. Meets aesthetic and water quality objectives,
 - e. Is resilient to climate change.

2. Sustainable hatchery that:
 - a. Provides healthy fish in adequate numbers,
 - b. Is resource efficient,
 - c. Significantly reduces phosphorus loading,
 - d. Has appropriately screened diversion(s),
 - e. Does not impede fish passage.

3. Tribal Treaty and federally-protected fishing/harvest rights are met at all times.

4. Provide additional water to meet municipal and domestic demand.
5. Improved agricultural reliability that:
 - a. Is operational,
 - b. Is flexible,
 - c. Decreases risk of drought impacts,
 - d. Is economically sustainable.
6. Improves ecosystem health including protection and enhancement of aquatic and terrestrial habitat.
7. Comply with state and federal law.
8. Protect Non-Treaty Harvest
9. Comply with the Wilderness Act of 1964, the Alpine Lakes Wilderness Act of 1976, and the Alpine Lakes Wilderness Management Plan.

Specific Objectives:

- Develop and adhere to a set of guiding principles that address the issues and concerns of the Work Group.
- Identify barriers and data gaps and address them as needed to achieve the guiding principles, address Icicle Creek stakeholder issues and concerns, and implement sustainable and collaborative solutions.
- Develop a comprehensive list of potential projects that address the issues and concerns identified by the Icicle Creek stakeholders.
- Narrow the comprehensive list described above to a Base Package of feasible projects that, at a minimum, will meet all of the guiding principles.
- Endorse other related projects that are consistent with the guiding principles.
- Review recommendations from the Steering Committee on funding recommendations and a financing strategy that identifies a wide range of potential funding opportunities and coordinates the use of these funds in a way that is effective and efficient. Make formal decisions after reviewing these Steering Committee recommendations.
- Seek funding to support IWG efforts and projects.
- Conduct public outreach on this effort, facilitate public review of potential outcomes and enlist the public's input and support through a coordinated effort.

Work Group Membership:

- This Work Group was co-convened by the Department of Ecology Office of Columbia River and Chelan County Commission.
- The co-conveners invited organizations to participate that have a direct interest in management of water resources in Icicle Creek. Additional organizations or individuals may be added either through invitation or by request, following consensus decision of the Work Group. Once added, new Work Group members will participate in decision-making as co-equal members and as described below.
- Organizations or individuals may request to be taken off the membership list or may be taken off upon consensus decision of the Work Group.
- Work Group membership is listed in Appendix A.

Decision Making:

- All Work Group members have equal representation and equal participation.
- Decisions on key points and for the final project list/water resource management plan will be made by consensus. Consensus is defined as an outcome everyone in the Work Group can live with and support. If consensus cannot be met, objections must be clear and those objecting must help to offer other solutions that will meet the guiding principles. It is the intent of the Work Group that the projects and/or management plans that it recommends meet all of the objectives and not violate any of the guiding principles. The Work Group recognizes however that the projects and plans may be implemented over time and possibly in phases.
- Absence of a member or their designated alternate representative at a meeting where a decision is made cannot be used to block a consensus decision made by the members present at such a meeting.
- Where attendance at a regularly scheduled Work Group meeting is not possible, a member may designate an alternative representative to attend the meeting in their absence. Such a designated alternative representative shall have participation and decision-making rights equal to that of the absent member.
- Decisions cannot be made to obligate a member to implement a project if they do not agree.
- If full consensus cannot be reached after a dispute resolution process, a formal dissenting opinion can be filed.

Expectations of Work Group Members:

- Members will make every effort to attend meetings and stay actively engaged in the Work Group's efforts. Failure to do so may result in (1) notification of concern from the Work Group, and (2) being taken off the membership list by consensus of the Work Group upon recommendation of the Steering Committee.

- Members must participate in good-faith with an honest intent to find collaborative solutions to address the needs, issues, and concerns of all other Work Group members.
- Members commit to work collaboratively within the framework of the IWG in a non-litigious manner to resolve internal disputes, and respect alternate viewpoints in developing an integrated project list that accomplishes the Vision of the IWG. A Member's decision to file a lawsuit against another Member on issues before the Work Group will be regarded as a decision to seek an alternative to the IWG process, and that Member will be expected to withdraw its membership. If the Member does not voluntarily withdraw, the Member will be notified via letter from the Steering Committee Chair that its membership will be revoked by action of the IWG, provided that the party may invoke the dispute resolution procedure described below. Litigation between Members that pre-dates IWG formation, but which is stayed pending participation in the IWG, does not violate this provision.
- Participation is needs-based, meaning that members must understand their own needs and both understand and acknowledge the needs of other Work Group members. Members will represent their own views and the perspectives of their organization(s) and are responsible for coordinating with their constituencies to bring perspectives forward.
- Members must be adequately well-versed in the process and issues to articulate their organization's perspectives, needs, and preferences.
- Collaborative problem solving depends on mutual respect and careful listening among members and on active participation by all. Meetings will be conducted in a respectful atmosphere where all parties seek to foster trust and understanding.
- Members will strive for honest and direct communication and focus on interests and needs rather than positions. Members will allow for open discussion, will respect the right to disagree, and will look for collaborative solutions.
- Comments directed towards other participants or organizations must stay constructive, positive and helpful. Questions and concerns should be voiced directly within the Work Group forum or with the facilitator and/or a representative from one of the convening organizations.
- Members recognize that the scale of projects being discussed is complex and that a lot of data and information needs to be gathered to quantify all of the elements of this strategy. It is important to continue to move forward collectively with the projects in a Base Package that meet everyone's needs and these projects will continually be reviewed as more information is obtained.
- Members planning to apply for funding to accomplish IWG "Specific Objectives" will coordinate with the IWG Steering Committee by providing notice of application in advance of filing an application for funding. Copies of funding materials and scopes of work will be provided to the Steering Committee, status reports on progress will be provided, and final documents will be made available to the IWG. If the request for funds is for OCR (Ecology) funds and/or funds distributed to Chelan County by OCR to facilitate the IWG process, the funding request will be provided to the Steering

Committee for approval. Once approved by the Steering Committee, the scope of work must receive final approval by the Work Group.

- Members shall collaborate to ensure messaging (presentations, website content, outreach materials) articulates the goals and objectives of the IWG. All IWG Outreach Materials developed by OCR and/or Chelan County, including SEPA public scoping documents will be supported by the Work Group or Steering Committee prior to publication and will form the basis of official membership position statements on issues and projects. Individual member messaging will not be designed to undercut or contravene the purpose and intent of the IWG. Any Member who finds it necessary to publish materials critical of the IWG process or direction will, as a matter of good-faith membership, notify the IWG of its intentions and make such materials available for review.
- Following adoption of an Integrated Project List, IWG Members will work together to obtain necessary funding, permits and approvals.
- Work Group members who are determined by the IWG to be operating in a manner inconsistent with these expectations will be asked to withdraw from Work Group membership. The party will be notified via letter from the Steering Committee Chair. A Work Group Member may challenge its removal through the dispute resolution process.

Steering Committee:

The Work Group shall convene a Steering Committee made up of members who can represent the needs, concerns, and interests of a constituent stakeholder group or groups. Steering Committee members have the ability to participate more regularly than regular Work Group members and commit to active participation in Steering Committee meetings and functions. Steering Committee members must have a sufficiently detailed understanding of specific project and/or process elements to work on them constructively. Steering Committee members are listed in Appendix B. The Steering Committee will:

- Meet regularly and work through project and process elements in enough detail to provide recommendations to the Work Group.
- Oversee studies and assessments that will fill data gaps and support project development and design.
- Provide feedback, guidance, and recommendations to the Work Group regarding data gaps, specific projects, and decisions relating to funding recommendations and financing strategy.
- Develop agendas and formulate recommendations for Work Group meetings and schedule Work Group meetings as necessary.
- Decision making for developing recommendations will be done by consensus in the same manner as the full Icicle Work Group.
- Convene technical subcommittees to discuss specific topics and answer questions brought up by the Work Group and Steering Committee. Potential topics include: instream flow targets/benefits, LNFH facilities and related projects, storage projects, pump exchange projects, outreach, and environmental review.

- Provide direction to and collaboration with Co-Conveners. Provide oversight to the Co-Conveners regarding administrative and coordination of the overall process.
- Propose revisions to Steering Committee roles and responsibilities as defined in these Operating Procedures.

Co-Conveners

The Co-Conveners of this effort consist of the Washington Department of Ecology's Office of Columbia River and Chelan County. The Co-Conveners are responsible for overall coordination and facilitation of the Icicle Work Group's effort in close coordination with the Steering Committee. This includes making day-to-day administrative decisions; providing administrative and facilitation support to the Work Group, Steering Committee and Technical Subcommittees; providing technical support in the identification and development of projects; providing funding coordination; and working with individual Work Group members as needed.

Dispute Resolution:

If the Work Group is unable to reach consensus on key decisions, the Work Group will make decisions by majority vote. Any Work Group member may dispute such a decision, and in such event, the dispute shall be referred to a three member Dispute Resolution Panel. The Panel consists of representatives from (1) Department of Ecology Office of Columbia River, (2) Chelan County and (3) Washington Department of Fish and Wildlife (WDFW). The disputant may request that the IWG select another Work Group member in lieu of WDFW. The Work Group member (other than the disputing member) would then be selected by majority vote by the Work Group members present at the Work Group session where the dispute resolution is invoked. The Panel shall resolve the dispute within 30 days. The Panel may request position papers from disputants. The Panel shall work with the disputants and will seek to resolve the dispute by consensus, but will decide by majority vote if a consensus is not achievable. This process will also be utilized when disputes arise at the Steering Committee.

Conflict of Interest:

Work Group Members are individually responsible for identifying possible or actual conflicts of interest and must make the Work Group aware of the conflict before participating in any Work Group decision in which such a conflict of interest exists. For the purpose of these Operating Procedures, a conflict of interest is a circumstance or set of circumstances that create a risk that a Member's professional judgment or actions regarding Work Group recommendations for project funding will be unduly influenced by a self-serving pecuniary interest for that Member.

Interested Parties:

All Work Group meetings are open to the public. Interested parties may attend Work Group meetings and make comment during the public comment portion of the agenda.

Amendments:

Any Work Group member may suggest amendment(s) to these Operating Procedures during any regularly scheduled Work Group meeting. The suggested amendment will take effect upon consensus decision of the Work Group.

Icicle Creek Work Group
Operating Procedures – Appendix A
Membership List
July 2015

Co-Conveners

Tom Tebb, Director
Office of Columbia River
Washington State Department of Ecology

Keith Goehner, Commissioner
Chelan County Board of Commissioners

Member Organizations and Representatives

Confederated Tribes of the Yakama Indian Nation
Primary: Steve Parker
Alternate:

Washington State Department of Fish and Wildlife
Primary: Jim Brown
Alternate: Charity Davidson

Confederated Tribes of the Colville Reservation
Primary: Chuck Brushwood
Alternate: Casey Baldwin

Washington State Department of Ecology
Primary: Tom Tebb
Alternate: Melissa Downes

U.S. Bureau of Reclamation
Primary: Carolyn Chad
Alternate: Steve Kolk

Icicle and Peshastin Irrigation District
Primary: Tony Jantzer
Alternate: Dick Smithson

U.S. Fish and Wildlife Service – Leavenworth National Fish Hatchery
Primary: Dave Irving
Alternate: Jim Craig

City of Leavenworth
Primary: Joel Walinski
Alternate: TBD

NOAA – Fisheries
Primary: Dale Bambrick
Alternate: none

Chelan County
Primary: Keith Goehner
Alternate: Mike Kaputa

Cascade Orchard Irrigation Company
Primary: Dan Wilkinson

Alternate:

Wild Fish Conservancy

Primary: Kurt Beardslee

Alternate:

Icicle Creek Watershed Council

Primary: Dick Rieman

Alternate: Buford Howell

Center for Environmental Law and Policy

Primary: Rachael Osborn

Alternate:

Washington Water Trust

Primary: Susan Adams

Alternate: Greg McLaughlin

U.S. Forest Service

Primary: Jeff Rivera

Alternate: Jason Kuiken

Trout Unlimited – Washington Water Project

Primary: Lisa Pelly

Alternate:

Agricultural Representative

Mel Weythman

Agricultural Representative

Daryl Harnden

City of Cashmere

Primary: Mayor Jeff Gomes

Alternative:

Icicle Creek Work Group
Operating Procedures - Appendix B
Steering Committee Members
July 2015

WA Department of Ecology: Tom Tebb (Chair)

Leavenworth National Fish Hatchery: Dave Irving

Icicle and Peshastin Irrigation Districts: Tony Jantzer

City of Leavenworth: Joel Walinski

Chelan County: Mike Kaputa

NOAA Fisheries: Dale Bambrick

Tribal Caucus: Steve Parker

WA Department of Fish and Wildlife: Jim Brown

US Bureau of Reclamation: Carolyn Chad

Environmental Caucus - Conservation: Lisa Pelly, TU (Susan Adams, alternate)

Environmental Caucus – Advocacy: Rachael Osborn, CELP

Icicle Creek Watershed Council: Dick Rieman