

## **Recommendation on MRRIC Engagement in AM Governance**

### **I. Background**

In 2011 MRRIC developed a recommendation on adaptive management entitled “AM Strategies – MRRIC Engagement Approach.” In the document, MRRIC indicated an AM engagement approach needs to:

- Be understood and trusted by MRRIC members.
- Provide a satisfactory level of participation in the systematic process for MRRIC members as well as provide an opportunity for MRRIC to identify any social, economic, or cultural issues that may result from the proposed action(s).
- Be implementable for both the agencies and MRRIC.
- Be focused on resolving scientific uncertainties necessary to inform management decisions.
- Provide for collaboration that allows the agencies to implement the MRRP in a timely manner.

### **II. Essential Elements of Adaptive Management Governance for MRRIC and MRRP**

To create a functional governance structure for MRRIC and the MRRP that retains and embodies the objectives identified in the prior engagement approach, MRRIC believes the AM Program must contain, be dedicated to, and be assessed on its ability to achieve the following elements:

- Commitment of sufficient people and resources to implement and govern the program (including support for, and from, MRRIC members).
- Provide transparent, timely, and relevant information at all levels of decision making.
- Employ unbiased science and independent technical review through clearly defined independent advisory panel and peer review processes.
- Allow flexibility in how budgets are allocated based on AM findings, and flexibility in implementation processes, including the governance structure and meeting timing.
- Provide transparent decision making and dispute resolution processes.
- Allow for and engage in interest-based value deliberations and trade-off discussions (e.g., impacts to stakeholders; species trade-offs).
- Inform and share MRRP AM-related information with all audiences.

### **III. Preamble to Governance Structure and Roles and Responsibilities**

All components of the structure are intended to comply with all applicable laws and regulations (e.g., Sec. 5018, FACA, WRDA). Notwithstanding the cooperative nature of the Program, the lead Agencies (i.e., USACE and USFWS) have statutory responsibilities that cannot be delegated. This document is not intended to abrogate any lead Agency statutory responsibilities or replace needed agency work (e.g., interaction on Internal Progress Reviews and required Government to Government interactions).

Ultimately, the goal of the structure is to enable a situation where MRRIC, working with the lead Agencies, share, view, and assess the same information (e.g., reports and assessments) and, where possible, develop timely, collaborative, consensus-based actions and adjustments. The goal is not to have competing or redundant MRRIC and lead agency efforts.

The structure also allows MRRIC to provide guidance in implementation of the Missouri River Recovery Program's (MRRP) Adaptive Management Plan and achieves the elements described above. The structure includes modifications to the current MRRIC Operating Procedures and Ground Rules (identified below) which will need to be addressed by MRRIC. These modifications, building on past experiences, are not intended to convey MRRIC has not worked, but are included to ensure MRRIC is able to engage in the most effective way possible given the need to implement an Adaptive Management Plan.

#### IV. Components of AM Governance

**Recommendation #1: Maintain MRRIC membership and decision-making structure, but shift to a typical approach of three face-to-face plenary meetings over the year with an emphasis on providing recommendations related to development of the MRRP Work Plan [which includes current (implementation) and next year's (development) activities, and activities for the 3-5 year planning time frame] that are appropriate for implementation of the AM Plan. Additional meetings could be recommended by MRRIC if deemed necessary. Further, allow for MRRIC to convene a phone call plenary meeting where final consensus on recommendations could be reached consistent with the Charter.**

*[NOTE: the Charter states a minimum of two meetings while the Operating Procedures specifies four – as such, it would likely be necessary to modify the Operating Procedures document accordingly.]*

Why: Congress authorized MRRIC for the purposes of providing recommendations to the federal agencies on the Missouri River Recovery Program and MRRIC members are committed to continuing their efforts as the MRRP Adaptive Management Plan is implemented. A level of comfort with the current MRRIC structure, procedures, and processes exists.

Shifting from four planned face-to-face meetings a year to three planned face-to-face meetings a year (recognizing additional ones may become necessary as the plan is implemented) makes sense because: 1) implementation of the Adaptive Management Plan should be adequately addressed by three regularly scheduled meetings with defined agendas; 2) resource constraints may exist in the future; and 3) creating a slightly lower level of required engagement for some MRRIC members will allow them to continue engaging in MRRIC. Also, if needed, additional meetings could be recommended by MRRIC.

Who: Membership as defined in the existing Charter.

What:

- Provide recommendations related to the MRRP Work Plan based on results of prior year's implementation efforts and associated monitoring as relates to birds, fish, and human considerations.
- Provide recommendations related to development of the MRRP Work Plan building on the FY President's budget.
- Provide recommendations related to strategic priorities for future (multi-year) aspects of the MRRP Work Plan.
- Provide other recommendations as needed, including for programmatic Adaptive Management considerations (e.g., governance, objectives).

When:

- Below is a tentative plenary face-to-face meeting schedule including general agenda items, however, the exact timing of each meeting will need to be refined as understanding of the program's implementation increases and, concurrently, the ability for MRRIC to have the most impact and influence through their recommendations is best understood:
  - Meeting #1 (in October/November) which would provide an opportunity to discuss preliminary results of implementation efforts the prior year and information gained from the monitoring efforts and discuss other issues as appropriate (e.g., strategic priorities, programmatic considerations)
  - Meeting #2 (in mid- to late-March) which would provide an opportunity to engage on traditional "Annual Forum" agenda items (science presentations and review of the Corps' draft Work Plan), for MRRIC to begin identifying potential areas for recommendations
  - Meeting #3 (in late-May) which would provide an opportunity to reach tentative consensus on recommendations related to the Corps' draft Work Plan, hear updates on implementation of the AM activities, and discuss other issues as appropriate (e.g., strategic priorities, programmatic considerations)
  - Other meetings, as needed, could be recommended by MRRIC

How: At present the Charter defines [Section III. f) on page 5] a meeting as "A gathering of the Committee lasting one or more partial or full days, as defined in the Committee's operating procedures and guidelines" and the Operating Procedures and Ground Rules defines [2) iii) on page 4] a meeting as "a physical face-to-face gathering of the Committee lasting one or more partial or full days." Given the recommended face-to-face meeting structure, the associated timeline for completion of the MRRP Work Plan each year, and the interest in having any recommendations related to the Work Plan from MRRIC approved by final consensus in a timely manner, MRRIC proposes to add a clause the Operating Procedures and Ground Rules document to indicate that a "meeting" can be either a face-to-face meeting or a conference call with quorum still a requirement. A conference call meeting would be convened only to reach final consensus on a recommendation that MRRIC already reached tentative consensus on during a face-to-face meeting. A conference call meeting would only be convened at the consensus request (process decision) of MRRIC at a face-to-face meeting. If the group agreed to convene a conference call meeting it would happen no sooner than four weeks after the meeting where tentative consensus on a substantive recommendation is reached. For example, it would be possible to schedule a conference call meeting where MRRIC could reach final consensus on a tentative consensus recommendation related to the MRRP Work Plan (to be sought at the face-to-face meeting #3).

Such a modification would ensure the Committee can make recommendations to the lead agencies, that have the most effect and in as timely a manner as possible, without waiting for a second face-to-face meeting.

In addition, a note would need to be added to the Ground Rules and Operating Procedures and Ground Rules that the group will likely meet for three meetings but leave open the opportunity for additional meetings if needed. The Charter remains the same.

**ACTION NEEDED:** MRRIC will need to modify the Operating Procedures and Ground Rules document to: 1) indicate MRRIC will meet face-to-face three times a year, with an option to add meetings if needed; and 2) allow for MRRIC to convene a phone call plenary meeting as described above where final consensus on recommendations could be reached consistent with the Charter.

**Recommendation #2: Support agency establishment of Bird (Piping Plover) and Fish (Pallid Sturgeon) Teams, and recommend the agencies establish a Human Considerations Team. MRRIC members and alternates, and other individuals consistent with the MRRIC Charter and Operating Procedures and Ground Rules, would engage directly with those involved in implementation of the AM Program through participation in the Bird, Fish, and HC Teams. The MRRIC-related individuals on the Teams will also comprise separate Work Groups. MRRIC members (stakeholders, states, and Tribes) should be limited to only two representatives per seat on each Team.**

Why: Adaptive Management is an intensive process and to effectively involve MRRIC in the adaptive management program it will be important to establish and maintain a significant level of understanding of, and trust in, the decisions and associated implementation efforts.

Full engagement by all MRRIC members in all parts of the AM Plan is neither realistic nor implementable; however, it is essential to ensure opportunities for deep engagement exist, and for members to share their perspectives on the efforts.

Teams will allow MRRIC members to become more acquainted with the processes and science that supports the Adaptive Management program. Participating in the Teams will enable those MRRIC members, able to commit their time and expertise, to engage in an on-going manner, participate in conversations around the decisions being considered as a result of the ongoing implementation efforts, and inform the other MRRIC members of the issues regularly. The engagement will assist in ensuring accountability, building trust, and increasing learning opportunities so MRRIC can understand how emerging evidence fits or does not fit with thinking about how species respond to different actions.

The MRRIC-related individuals participating in each Team will comprise Bird, Fish, and HC Work Groups under MRRIC. These Work Groups will allow MRRIC Team members to discuss Team activities and input, provide a forum to discuss updates for MRRIC, and develop recommendations to MRRIC.

To effectively incorporate this recommendation into the next version of the AMP, the following need to more clearly explained: 1) the linkages between the Management Team and the Bird, Fish, and HC Teams (and specifically the intention for overlap and engagement as appropriate); and 2) the relationship between the full MRRIC and the Management Team.

This recommendation is not intended to necessarily preclude the continuation of other groups (e.g., Agenda Work Group, Communications Work Group, MP2 Ad Hoc Group, or Tribal Interests Work Group)

Who:

- Each Team will consist of agency staff, other key agency contractors involved in implementation of the AM Program, MRRIC members and alternates, and other individuals consistent with the MRRIC Charter and Operating Procedures and Ground Rules however MRRIC members (stakeholders, states, and Tribes) will be limited to only two representatives per seat on each Team.
- To be effective and meaningfully engaged, the MRRIC-related individuals on the Teams (and by extension on the Bird, Fish, and HC Work Groups) need to be people who can commit the time and energy to stay involved and understand the issues. MRRIC-related individuals on the Teams will be expected to stay informed about the ongoing implementation efforts and attend and participate in regular interactions including conference calls, Team meetings, science meetings (Fall meeting and Winter AM Workshop), and MRRIC meetings.
- All Work Group activities will be consistent with the MRRIC Charter and Operating Procedures and Ground Rules.

What:

- The main role of the Bird, Fish, and HC Work Group members is to engage with the respective Bird, Fish, and HC Team efforts to understand the technical aspects of adaptive management. This includes understanding the status of hypotheses, what actions are being implemented, and how the models work, and exploring the implications of those on the decisions that will be made.
- The Bird, Fish, and HC Teams will develop reports that capture their deliberations on annual and/or multi-year considerations and priorities based on current Work Plan implementation and results. The Team Reports will concurrently be shared with the Technical Team – defined in recommendation #3 below – (to assist in finalizing AM Annual Report), the Management Team (to inform conversations around development of the draft Work Plan), and MRRIC (to assist in developing recommendations related to the draft Work Plan). In some instances, the Bird and Fish Teams may need to coordinate on and develop a Joint Species Team Report. Though, less likely, a three Team Joint Report might be needed.
- Subsequent to the Team Reports, and after receiving the USACE draft Work Plan, the three Work Groups will collectively develop an overview of consequences and tradeoffs and related draft recommendations regarding the draft Work Plan for MRRIC to consider and move forward to the lead Agencies as appropriate.
- The Teams are intended to be the primary forum for interaction between Agency staff and MRRIC members regarding science and annual implementation of the Work Plan though any recommendations emerging from Work Group deliberations can only be considered final upon approval by MRRIC.
- The Teams will interact with the Independent Panels – defined below in recommendation #4 – through regular annual reviews of the Work Plan implementation and have the ability to request specific reviews or evaluations, with MRRIC concurrence, as needed.
- The Teams will be able to make suggestions to the Technical Team and other entities regarding analyses, design, etc. to develop out year work needs.

When:

- The Bird, Fish, and HC Teams are anticipated to meet four times a year, at a minimum, (two face-to-face meetings – during the Fall Science Meeting and during the AM Workshop); and two conference calls); exact numbers of calls and meetings will be adjusted through the

regular Team process based on the needs associated with implementation of the Adaptive Management plan.

- The Bird, Fish, and HC Work Groups will meet together face-to-face, or by phone, at least one time to consider the draft Work Plan and develop draft recommendations for MRRIC consideration.
- Attend the regularly scheduled MRRIC meetings during the year.

How: As is currently the case, each Team will be coordinated by a planning group consisting of a lead agency representative(s) and a MRRIC point-of-contact(s) and assisted by a third-party facilitator. Their role will be to identify and confirm dates for meetings and calls, develop draft agendas for Team review and consideration, and assist in other preparations as necessary. The Team interactions will be facilitated, recorded, and summarized by a third-party facilitator. The recording and summary will be shared with those Team members who miss the conversations as well as other interested parties including, but not limited to, the full MRRIC. When the Bird, Fish, and HC Work Groups meet together the same steps will be taken.

**ACTION NEEDED: Convene the Bird, Fish, and HC Teams and the related Bird, Fish, and HC Work Groups as described above at the appropriate time.**

**Recommendation #3: Support Lead Agency establishment of a Technical Team that will be engaged in ongoing analysis of significant technical aspects of the AMP and Work Plan implementation and provide information to the Bird, Fish, and HC Teams.**

Why: Implementation of the adaptive management plan will require timely and unbiased analysis of monitoring and research results. A Technical Team, consisting of agency and contracted staff given level of effort required to assimilate and disseminate information for program, will be responsible for the ongoing analysis of the science that supports adaptive management.

Establishment of the Technical Team, with regularly scheduled opportunities for MRRIC to interact, through the respective Teams primarily, will assist in MRRIC understanding of the science – thereby setting a foundation for meaningful recommendations and fulfillment of responsibilities as authorized by Congress.

Who:

- The Technical Team will include AM staff from Corps and FWS, as well as contract staff responsible for analyzing and reporting out on action performance and biological and habitat monitoring and research data results.
- Per AMP v5, the Technical Team will initially include expertise in ecology, biostatistics, hydrodynamics, fluvial processes, decision analysis, river operations, and socio-economics.

What:

- The Technical Team will provide information and analysis to the Bird, Fish, and HC Teams based on research and evaluation results and is not a decision-making body.
- The Technical Team will use information from actions, habitat, and species monitoring and research programs to develop and provide transparent reports and assessments that all

work groups will use in decision making. The reports and assessments will capture and update the knowledge of the habitat and population status, hypotheses including action effectiveness of previously implemented actions on the habitat and species, and conceptual and predictive models. They use the information about system status, assess how AMP decision criteria are being addressed together with the cost and feasibility information from the Implementation Team to evaluate a range of management options, using predictive numerical models to the fullest extent possible. The model projections include at least one management option that will meet the objectives, a “do-nothing” option for baseline comparison, and in most cases, at least one intermediate option.

- Engage with ISAP and ISETR for independent review of annual report or “ad-hoc” items.
- Provide a draft annual report in preparation for the AM Workshop and a final annual report following receipt of the Joint Team Report
- Other Technical Team responsibilities will include:
  - Recommend the need for and organize sub-groups with specific expertise, as needed;
  - Improve and test conceptual ecological models (CEMs) and hypotheses;
  - Update, revise, and prioritize assessments of critical uncertainties;
  - Simulate the outcomes of management actions using quantitative models;
  - Develop experimental design for management actions;
  - Make recommendations about monitoring and research to the Management and Implementation Teams;
  - Make recommendations on information management, including data systems, publications, etc.;
  - Synthesize and evaluate data to compare monitoring and research results to decision triggers and targets;
  - Recommend ad hoc peer review panels to conduct independent scientific review;
  - Translate new scientific information into the technical component of AM reports;
  - Provide evaluations and recommendations to Management Team and ISP for decision making; and
  - Engage with MRRIC, ISAP, ISETR, and the Bird, Fish, and HC Teams as part of the Science Update process.

When:

- Meet as needed and attend the Fall Science Meeting and the annual AM Workshop
- Actively support Bird, Fish, and HC Team meetings
- Regular updates on planned activities will be provided by the Technical Team

How: The Technical Team, in order to build confidence and trust in their analysis and approach, must be transparent with MRRIC.

**ACTION NEEDED: While AMP v5 generally describes the Technical Team consistent with the recommendation above, additional emphasis on inclusion of HC-related expertise in the next version of the AM Plan should be added if the recommendation is accepted by the Corps.**

**Recommendation #4: Support Lead Agency establishment of an annual Fall Science Meeting and a Winter AM Workshop to include the Bird, Fish, and HC Teams.**

Why: The Fall Science Meeting and Winter AM Workshop will provide regularly scheduled, focused opportunities for the Bird, Fish, and HC Teams to meet, hear about, question, and understand the technical results and the implications of adaptive management plan implementation efforts for the species and human considerations. The meetings will provide Teams with face-to-face opportunities to discuss the information and collectively produce the annual Joint Team Report. Finally, the events will provide the Team members, Technical Team members, and, other MRRIC members if they attend, the ability to continue building trust in the process and maintain transparency in information sharing and decision making.

Who: The meetings should include, at least:

- Bird, Fish, and HC Team members)
- Technical Team members
- MRRIC (non-Team members) as available/able
- ISAP/ISETR members as needed
- Others as needed/invited

What: See AMP v5

When: See AMP v5

How: See AMP v5

**ACTION NEEDED: AMP v5 is currently unclear, and in some cases inconsistent, about who will attend the two workshops; as such, inclusion of all the Teams at the two workshops will need to be clarified in the next version of the AM Plan if the recommendation is accepted by the Corps.**

**Recommendation #5: Maintain separate ISAP and ISETR Panels for the MRRP AMP but provide for the panels to meet together when appropriate.**

Why: Maintaining separate panels makes sense because:

- The science panel needs to make findings and recommendations based on the species-related scientific data and information and not be influenced by Human Considerations.
- The socio-economic panel needs to make finding recommendations based on the human considerations data and information.
- The ISAP recommendations should not be influenced by the economic findings nor should the ISTER recommendations be influenced by the scientific findings.
- Decisions where science and human considerations are to be factored together fall into the policy-making level in which both sets of recommendations are reviewed by the Corps and/or USFWS with input from MRRIC.
- In decisions in which the Corps or MRRIC desire factoring together the recommendations, the science and human considerations could be handled as a “special case” and could be addressed by a combined panel, subset of each panel, or potentially as separate panels.

- Recommendations of each panel can be made available to the other panel for informational purposes.

Who: Retain established membership of the ISAP and ISETR along with TPSN coordination with recognition of the need to replace members as appropriate over time

What: The Independent Panels will:

- Provide annual evaluation of the Adaptive Management Program results and implementation
- Provide as-needed reviews assigned by MRRIC, Bird, Fish, and HC Teams, and/or lead agencies.

When: Attend annual Fall Science Meeting and annual AM Workshop and regularly scheduled MRRIC meetings as needed.

How: Retain established protocols, but amend to facilitate interaction with Bird, Fish, and HC Teams and the Technical Team and define role in helping determine “actionable” science-based information in timely fashion to support AMP

**ACTION NEEDED: AMP v5 currently calls for one panel and as such, modifications consistent with this recommendation will need to be made to the next version of the AM Plan if this recommendation is accepted by the Corps.**

#### **Recommendation #6: Support Lead Agency establishment of a Peer Review Process.**

Why: MRRIC believes the AM Program needs to have an established Peer Review Process in place to allow for the review of monitoring and study plans and reports/recommendations based on science for decision making in the AM Program. By obtaining multiple, independent technical opinions, the peer-review process provides a means of evaluating the scientific soundness of a monitoring or research protocols, or findings or products, further minimizing introduction of bias or conflict of interest. Reviewers will be selected because of their expertise on the specific subject matter. For example the piping plover monitoring program should be reviewed by plover experts, statisticians, etc. to confirm scientific integrity, assure study will answer AMP hypotheses and big questions and to provide scientifically sound verification for the agencies and stakeholders and public. Sometimes it is thought that the ISAP can do this, but in many cases there is only one, or maybe no members with that expertise on the panel. These experts are convened to do the reviews only and are not on-going or permanent.

The peer-review process does not determine the approval or disapproval of the activity associated with the request (e.g., funding a study, use of data or analytical results, publication of a report, etc.).

Who: The TPSN will administer the peer-review process for MRRIC. The duties of the TPSN are as follows:

- Receive request for peer review from the Bird, Fish, or HC Teams.

- Assemble Master List of potential reviewers (3-5) from scientific areas appropriate to the subject or discipline of each request. Separate reviewers may be necessary for each work product to be reviewed.
- Obtain input on peer-reviewers from requesting Team.
- Handle all correspondence with reviewers.
- Compile and transmit all relevant materials from reviews.

The criteria for selecting reviewers will include:

- No conflict of interest for or against the project document or its authors based on financial interest in the product or author(s), familial relationship with the author(s), personal bias for or against the institution or author(s), professional connection to the institution or author(s), organizational affiliation, or potential to be influenced by lobbying or other political pressure to produce a certain result or more work in the area of this product.
- Expertise and experience appropriate for the theme of the project or document(s).
- The ability to complete a technical review in a reasonable time, as determined by the requesting committee.
- Individuals will be selected from a diversity of institutions, including state, federal, local government, and non-governmental organizations for each project, while avoiding members from the same institution or agency as the author(s).

**What:** The process may be used for products (proposals, plans, models, data, reports, protocols, etc.) funded by the MRRP or for other products essential to meeting objectives, but lacking adequate review. All products relied upon by the Program that influence management decision may be subjected to a peer review process. For some products, however, a high level of scientific quality may be maintained by existing quality control and administrative review procedures, and peer review will be unnecessary.

**When:** Peer Review will take place upon recommendation from a Team. There is no intent to duplicate or replace the peer-review conducted by others. The Lead or other agencies may administer their own peer-review processes. The Teams are responsible for determining if additional peer-review is necessary. In making the decision regarding the need for peer-review it may be helpful to document any existing peer-review process for the project or report.

**How:** Funds will be budgeted annually for the TPSN to conduct needed reviews and distribute honorarias commensurate to the types of reviews requested. Peer Reviewers will also be sought on a voluntary basis without further cost to the MRRP. The recommending Bird, Fish, or HC Team or Technical Team will prepare specific guidance in coordination with the TPSN for each review including the specific need and specific objectives to be accomplished by the peer-review.

**ACTION NEEDED:** While AM Plan v5 currently describes some agency-related external peer review, additional detail consistent with this recommendation will need to be added to the next version of the AM Plan if the recommendation is accepted by the Corps.

**Recommendation #7: Include AM Program evaluation and accountability mechanisms in the biennial report to Congress consistent with Section 4003(e) of the Water Resources Reform and Development Act of 2014.**

Why: MRRIC believes that, in accordance with any good governance plan, the AM Program must contain the necessary accountability mechanisms and reporting requirements on the progress of the implementation of the selected preferred alternative and the ongoing adaptive management process.

Who: The Secretary (Army), consistent with its existing authority under Section 4003 (e) of the Water Resources Reform and Development Act of 2014.

What: Provide a Biennial evaluation and progress report on the selected preferred alternative and the ongoing Adaptive Management Program's implementation that will include the following:

- Progress on efforts to avoid jeopardy for the pallid sturgeon, least tern, and piping plover
- A listing of all the land acquired (already required by Sec 4003(e)) for the implementation of the selected alternative and the AM Program
- A detailed listing of all expenditures utilized in the implementation of the selected alternative and the AM Program
- A review and examination of program objectives to measure progress

When: The evaluation/progress report will be provided every two years no later than September 30 of the appropriate fiscal year to the Chairman and Ranking Member of the Senate Environment and Public Works Committee, and the Chairman and Ranking Member of the House Transportation and Infrastructure Committee.

**ACTION NEEDED: While the Corps has indicated an evaluation is already completed on a biennial basis, additional detail consistent with this recommendation will need to be added to the next version of the AM Plan if the recommendation is accepted by the Corps.**