

**Excerpt of the July 14, 2010 Facilitator's Report (from pages 7-10)**

**Trinity and San Jacinto Rivers and Galveston Bay**

**Basin and Bay Area Stakeholder Committee**

**Potential Improvements**

The following list provides our recommendations for greater success in the consensus-based processes established in SB 3. In developing these recommendations for future processes, we have taken into consideration some of the difficulties this Stakeholder Committee encountered. These recommendations are intended to support the success of the SB 3 processes statewide and not be used as a critique of the Trinity and San Jacinto Rivers and Galveston Bay stakeholder process.

- **Education on and integration of technical, scientific and legal underpinnings into the stakeholder process.** One of the keystones to a successful stakeholder process is that all parties be able to participate effectively. In a process dealing with complex technical, scientific and legal issues such as the SB 3 process, information needs become of central importance. Information needs should be considered on two levels: (1) what information do all participants need (either by sharing with each other, or from other sources), and (2) what assistance do particular participants need to understand the information.
  - **Information needed by all participants.** Successful consensus processes stand on the foundation of shared information. Participants need to access the same information from within the group (information held by specific participants) and from sources outside the stakeholder committee (such as the BBEST and regional water planning groups). Strategies for effectively sharing information and gaining a mutual understanding of the issues may include:
    - **A model educational plan.** Since the SB 3 process is being repeated in other basins, a basic model educational program could be designed that will provide stakeholder committees with a basic path for shared education from the beginning of the stakeholder process. Topics may include basics of the scientific, technical and legal underpinnings involved in developing environmental flow standards, as well as information about how a stakeholder committee might move forward (e.g. a step-by-step detailed plan of action steps and decision points). Educational methods, such as presentations, question and answer sessions and informational field trips, should be considered, to avoid overwhelming stakeholders

with information at a given meeting. Individual stakeholder committees could modify these plans to better suit their own needs.

- **Early communication with the state agencies and the BBEST about technical information needed to develop the standards.**

We understand that some technical issues (such as the use of water availability model runs in relation to this process) were being developed as the stakeholder process unfolded. We observed during the four meetings in which we participated that the iterative computer model runs that the agencies provided to the stakeholders take time to prepare. In future processes, the agencies and stakeholders should communicate earlier in the process about the information the agencies will provide and that the stakeholders desire. Using the experience of the first two stakeholder committees, the agencies likely can predict the types of runs that the stakeholders will need. Additionally, the stakeholders could have earlier conversations with the BBEST about ways for the BBEST to support the stakeholders' educational and decision-making process both prior to and after submittal of the formal BBEST report.

- **Legal and administrative support.** The stakeholder committees would benefit from education and common understanding of the legal implications of their potential decisions -- both where there is certainty and to understand where uncertainty exists. Additionally, a clear understanding of what type of product would be expected could assist future stakeholder committees.

- **Technical assistance needed by specific participants.** Participants came to the Stakeholder Committee with varying degrees of expertise and exposure to the technical and legal aspects that were crucial to their full participation. Mechanisms for assisting those participants include mentoring with other stakeholders, holding separate education sessions, and working with BBEST members or agency personnel.

- **Model Work Plan & Ground Rules.** Future stakeholder committees would benefit from a model work plan (to guide the stages of their process) and ground rules (to guide how they work together and make decisions) that they could use to customize their own process. These models would serve as a starting point for developing the individual committee's plan to accomplish their goals. One of the first steps of a successful stakeholder process is to negotiate and agree upon the methods the committee will use to obtain and discuss information and work to reach agreement.
- **Facilitation.** Assistance from independent, neutral facilitators from the start of the process could help future stakeholder committees. Facilitators can, among other

things, help the group establish a work plan, prepare the participants for consensus-based decision making, identify key issues and interests, and facilitate information sharing and candid discussions in order to forge consensus. In the absence of having an independent facilitator, the stakeholder committees could be trained in self-facilitation. The committees may find self-facilitation difficult, however, given the significant number and diversity of the parties, power disparities (created primarily through information and resource disparities), the potential impact of the groups' decisions, and the complexity of the issues.

- **Preparation for consensus decision making.** Early training in the principles of and skills needed for consensus decision-making processes can improve the success of these processes. Topics might include how to negotiate based on interests rather than positions (including setting joint goals, generating options to accommodate multiple interests, and establishing criteria for evaluating options), how to deal with conflict, and how to adequately consider the alternatives to a negotiated agreement.
- **Consideration of Reasonable Timeframes.** Many participants in this Stakeholder Committee expressed frustration with the scope of the information and task before them and the timeframe within which they were able to work. Sufficient time is important to allow stakeholders to forge a consensus determination on such complex matters and where the initial starting positions of the stakeholders may appear to be so divergent. In addition to the time needed by the stakeholders to understand the issues, we note that the stakeholders may need iterative hydrologic runs, which take the agencies time and effort. We cannot conclude definitively that additional time needs to be added to the statutory timelines for future groups, since earlier and more focused work (though model procedures and information sharing) may create efficiencies. Deadlines also may provide a catalyst for action. However, flexibility relating to deadlines may be useful, especially where groups encounter the unexpected, such as the divided BBEST recommendation from which this Stakeholder Committee started its policy deliberations.
- **Conflict in the BBEST Affecting the Stakeholder Committee.** This Stakeholder Committee frequently commented that they did not want to re-hash the conflict that occurred at the BBEST level, nor did they want that conflict to limit their ability to develop a consensus-based report. Having a split BBEST report, however, made the Stakeholder Committee's task more difficult. This situation indicates that support for making consensus recommendations (such as neutral facilitation and ground rules) could be beneficial in the BBEST process as well.