Framework and Procedures for Developing Revisions to the Green Book
November 27, 2006

1.0 Introduction and Problem Statement

Deficiencies in the Technical Appendix (the "Green Book") to the Inyo/LA Long Term Ground Water Management Plan (Water Agreement or LTWA) have been discussed at Technical Group meetings. The Technical Group has had difficulty reaching agreement on the interpretation of some Green Book procedures. Given the myriad of issues that need to be addressed and obvious potential for disagreement, Inyo County Water Department (ICWD) and the Los Angeles Department of Water and Power (LADWP) have discussed options for acceptable procedures to jointly revise or replace the current Green Book.

The purpose of this document is to set out the framework and procedures for governing the Green Book Revision process, define the staff roles and responsibilities, and to provide staff with the necessary resources. It is recognized that procedural changes may need to be developed and agreed to as this cooperative effort moves forward. This framework also outlines the procedures for public disclosure. The framework and procedures outlined here are intended to result in recommendations to the Technical Group regarding technical tools, protocols, and resource management methods. It is anticipated that a revised Green Book derived from this work will be evaluated and considered by the Technical Group at the completion and close of this cooperative effort.

2.0 Organization

LADWP and ICWD acknowledge that considerable staff time will likely be required to complete this cooperative effort. Each agency will endeavor to make appropriate staff and/or consultants available to complete the work in a timely manner.

2.1 Standing Committee

The LTWA gives authority to the Inyo County Board of Supervisors and the LADWP to revise the Green Book, the management areas, the management maps, and the triggering mechanism for turning wells on and off to better achieve the goals of the LTWA or for the purpose of improving monitoring and evaluations. This cooperative effort may produce recommendations to alter any or all of those provisions. Authority to set policy and accept or reject any recommendations from this study remains with the respective governing boards for Inyo County and LADWP and is unaffected by this cooperative effort. The Technical Group will provide updates and recommendations to the Standing Committee and their respective Boards. The Technical Group may also submit management alternatives and descriptions of disagreements to the Standing Committee

for clarification. This cooperative effort is not a mechanism to renegotiate mitigation measures, commitments in the Memorandum of Understanding, or responsibilities reserved to the Court or Standing Committee under the LTWA. Dispute resolution procedures in the LTWA are not altered by this cooperative effort.

More frequent meetings of the Standing Committee will be sought to report progress of this effort, to address questions that arise, clarify policy and consider disagreements and recommendations that may be submitted by the Technical Group.

2.2 Technical Group

The Technical Group will conduct meetings as necessary to conduct business as described below. It is the intent that meetings will occur every other month, or more frequently, if necessary.   Much of the detailed work required for preparing analyses, alternatives, and recommendations will be conducted by staff or consultants working in small groups (see Section 2.4 Working Groups). The Technical Group will be responsible to:

- Receive problem statements, workplans, and progress reports,
- Accept deliverables.
- Review work/studies
- Report to the Standing Committee on work/studies progress, and
- Make recommendations to the Standing Committee regarding the work/studies.

. Receipt of a work product/deliverable does not indicate approval of a method or approach for inclusion in Green Book revisions.

2.3 Project Managers

LADWP and ICWD will each appoint a Project Manager to cooperatively manage the implementation of this cooperative effort. The Project Managers are the interface between the Technical Group and the Working Groups. The Project Managers will be responsible for:
- Detailed planning of each task workplan, including identifying task leaders, working group members, additional resources, and schedule.
- Directing the work of the Working Groups
- Monitoring costs and resources, and validating expenditures.
- Monitoring Working Group activity and schedules to ensure that work is conducted within the direction given under the workplan,
- Verifying that work products are consistent with the workplan,
- Reporting progress to the Technical Group.

This is not a complete list of responsibilities. The Project Managers will be the contact person for each agency and will be responsible for overall management of this cooperative effort. The Project Managers, working with the facilitator(s), will be responsible for reporting activities and results to the Technical Group.

2.4 Working Groups

Technical work will be conducted through Working Groups. Working Groups will address specific tasks or questions and consist of staff assigned by each agency, through their project manager, and consultants as needed. Working groups will be responsible for completing a variety of technical tasks, including but not limited to:

- Researching technical questions of fact,
- Summarizing the state of the science,
- Developing sound analytical methods,
- Evaluating monitoring methods, and
- Evaluating ideas, concepts, and methods related to water resource management.

Working Groups may range in size from large (to cover over-arching issues) to very small (to cover specific technical questions). Each Working Group will have the discretion to request a facilitator(s), as needed, to suit the needs of the participants. If a facilitator is not present at a particular Working Group meeting, the Working Group leader(s) will be responsible for the meeting summaries (see Section 2.5 Facilitator). Progress reports from Working Group activities will be provided by the Project Managers, with help from the facilitator(s), at regularly scheduled Technical Group meetings. Progress reports will include reports on progress of topics under discussion, descriptions of issues successfully resolved, and reports of impasse. Any changes in Working Group personnel will be reported to the Project Mangers.

This process is based on good faith and a cooperative attitude. The integrity of the process is expected to be maintained and draft work products that are prepared will remain confidential until considered final by both Project Managers.

2.5 Facilitator

A facilitator will be made available for Working Groups, if the members of the Working Group request one.   The facilitator's role is to:

- Help identify and organize issues,
- Help the Working Groups to move forward in addressing identified and agreed upon issues,
- Act as an impartial 3rd party, providing accountability and public transparency, and

- Provide opportunity for all ideas to be considered and discussed (to balance the discussion).

The facilitator's primary responsibility is to assist a Working Group in accomplishing the assigned task by leading the process described herein. The facilitator is <u>not</u> a mediator influencing direction or an arbiter of a dispute. Appointment of a facilitator will require agreement between both the ICWD and LADWP Project Managers. Either agency may remove a facilitator, no questions asked, by written notice to the other party.

The facilitator's job is to foster discussion of technical issues and to assist the groups in reporting progress, including areas of agreement and disagreement. Both ICWD and LADWP recognize that it may be advantageous (but not necessarily a requirement) that the facilitator posses expertise in a particular topic to assist the group. The facilitator will be expected to remain neutral to the issues and concentrate on the specific responsibilities listed below, but he may use his technical expertise as a vehicle for moving discussions forward. Different Working Groups may select facilitators from different professional backgrounds.

Responsibilities of the facilitator include:

- Working with Project Managers to prepare and distribute meeting agendas,
- Leading meetings,
- Guiding discussion,
- Keeping participants focused on topic,
- Enforcing ground rules for discussions,
- Ensuring an open and safe environment for exchange of ideas,
- Suggesting mechanisms to resolve differences,
- Summarizing meetings and assist the Project Managers with reporting duties at Technical Group Meetings.

The facilitator will help determine if disagreements are policy-related or technical in nature. The facilitator, in working with the Project Managers, will report the progress, disagreements, current work, and other relevant issues at the Technical Group meetings.

The facilitator will be responsible for two meeting summaries, one for public reporting and distribution, and a second one for internal distribution within the Working Group following each meeting. The primary purpose of the internal Working Group summary is to allow the participants to review topics discussed and to prepare for subsequent meetings.   Action items and assignments will be recorded in the internal meeting summaries.

Public meeting summaries will briefly highlight the major issues discussed.   Perspectives and comments will be related without ascribing to particular individuals.

2.6 Peer Review

The purpose of peer review is to clarify potential differences that may exist concerning the state of the science, the efficacy of monitoring procedures, and other technical issues. The peer review may consist of a single scientist reviewing a document, or could include a group that convenes at a locale to meet with the Working Group members and review and discuss the issues. Peer review is intended to be a flexible tool that is scaled to the need. ICWD and LADWP, with the assistance of the facilitator, will jointly be responsible for selecting the peer review team, assigning the task to that team, and receiving the findings. The recommendations of the peer review panel are not binding upon the Technical Group, the Working Groups, or the agencies that make up these groups.

2.7 Additional Resources

During the course of this effort the Working Groups may ask for assistance from outside sources. The assistance may include professional services, contracted projects, or maps/data. Other incidental expenses that would not normally be incurred are also included, such as materials, software, journals, travel expenses, etc…. The expenditure request will be made to both the ICWD and LADWP Project Managers, and if approved, the request will be considered a reasonable expense Administration and payment will then be made by the appropriate agency in accordance with the supporting funding agreement(s).

3.0 Working Group Procedures

Once agreement is reached on a particular problem statement, the Project Managers will assign tasks to and specify deliverables from each working group. The Technical Group will be presented with the problem statement and the working groups' deliverables. Acceptance of the work product by the Technical Group is recognition that the assignment was completed satisfactorily and does not necessarily indicate approval of a method or approach as a management method for inclusion in the Green Book.

3.1 Development of the Problem Statement

Every project will begin with a statement describing the technical or scientific problem. The problem statement should adequately describe the nature of the problem and, if appropriate, articulate conflicts in perspective between the agencies.   Problem statements can come from a variety of sources, including (but not limited to):

- Technical Group,
- Staff,
- Working Groups that are assigned the task of identifying issues and crafting problem statements.
- Working Groups that, during the course of their study, identify additional issues that are required to support the current study or as the logical next-step in the study.
- Project managers as part of their process to refine the workplans.

The problem statement, when agreed to by ICWD and LADWP, will then form the basis for the Project Managers to develop the detailed workplans. Problem statements will be evaluated for feasibility, practicality, value, timing, desirability, availability of resources, significance, and importance in order for ICWD and LADWP to jointly determine if and the priority for handling a particular problem/issue.

3.2 Workplan/Taskplan Development

Technical efforts will be organized around workplans that are developed by Working Groups. The Project Managers will review and consider draft plans.   Plans may consist of one or more tasks, and each task may also require a plan

Project Managers will ensure each plan is well defined, is properly structured, abides by the personnel/workplace policies of each agency, and provides the resources to allow the Working Group to succeed. Each plan will include (as a minimum):

a. Problem Statement
b. Description
c. Method
d. Deliverables
e. Anticipated Resources
f. Schedule
g. Personnel (including working group leaders)
h. Budget

3.3 Progress Reporting

Summaries of the Working Group meetings will be provided at scheduled meetings of the Technical Group. The Working Groups will provide the progress reports to the Project Managers, who will report them to the Technical Group.   The facilitator, if one is in place, will participate in the public reporting of the working groups' progress.   Reports will discuss problem statements, progress on issues, institutional positions, and disagreements. Reports will not name individuals nor present the numbers of participants supporting or against an item or issue.

3.4 Work Product

All analyses and working drafts of the group remain drafts and will not be released unless both Project Managers agree that they should be released. Release to the Technical Group will occur at the satisfactory completion of the assigned task and upon agreement of the Project Managers.

3.5 Resolution of Differences

The Working Groups will strive to reach unanimity on their work. A successful solution will require consensus of the Working Group members. If the Working Group produces alternatives, the facilitator will be allowed to characterize the level of support for each by group participants to assist the Technical Group.

If a Working Group deadlocks on an issue, the Project Managers may:

1. Determine that the impasse is of a technical nature, and direct the issue be submitted to peer review,
2. Decide to move a Working Group's issue directly to the Technical Group, to clarify/resolve the issue at the Technical Group level. However, prior to moving the issue to the Technical Group, the Project Managers shall make every reasonable effort to resolve the issue through facilitation and/or peer review; or
3. Determine the issue is policy related, and direct the steps needed to bring the issue to the Standing Committee.

If both Project Managers agree to move a Working Group's impasse directly to the Technical Group, the views on the deadlocked issue will be presented to the Technical Group by the Project Mangers. The facilitator, if one is in place will provide an independent report summarizing the disagreement, including whether the disagreement centers on confusion on the taskplan instructions, the state of the science, technical interpretation of data or research results, or is a policy issue that cannot be resolved by staff. The goal is to provide a means by which resolution can be achieved to all impasses, and avoid having the effort halted due to unresolved differences between the parties.

3.6 Completion/Termination

This process is completed when the goal is achieved resulting in a recommendation for a revised Green Book. The recommended Green Book will go to the Technical Group for consideration and, if recommended, to the Standing Committee for approval to implement.