

**UTAH DIVISION OF WATER QUALITY
UTAH LAKE WATER QUALITY STUDY STEERING COMMITTEE**

OPERATING PRINCIPLES

(Adopted May 10, 2018; Updated September 6, 2018; Updated March 13, 2020)

The Stakeholder Process (or Charter) [<https://documents.deq.utah.gov/water-quality/watershed-protection/utah-lake/DWQ-2017-004494.pdf>] approved on May 12, 2017 provides the foundation for the Utah Lake Water Study Steering Committee and Science Panel and describes the “the purpose, objectives, duties, and composition of each group and the mechanisms by which the groups will interact.”

For any collaborative process to operate smoothly, it is helpful for those involved to agree at the outset on the procedures by which the group will govern its discussions, deliberations, and decision-making. This document captures additional process agreements that will assist the Steering Committee in achieving its purpose.

I. PURPOSE OF THE UTAH LAKE WATER QUALITY STUDY STEERING COMMITTEE

The Steering Committee is charged with guiding development of site-specific nutrient criteria to protect the designated uses of Utah Lake including numeric criteria for both nitrogen and phosphorus, and specific elements for the magnitude (concentration of pollutants), duration (period of exposure to pollutants), and frequency (recurrence of the exposure to pollutants) necessary to protect defined uses. The Steering Committee will recommend nitrogen and phosphorus criteria to the Commission and the Utah Water Quality Board. Criteria recommended by the Steering Committee will be considered by the Utah Water Quality Board for adoption following review and input from the Commission.

II. PARTICIPATION

Interests Represented. The Steering Committee is structured as an interest-based group representing stakeholders with a key interest in the outcomes of the Phase 1 and Phase 2 studies. The Steering Committee members include sixteen (16) representatives from federal, state, and local government, conservation and recreation organizations, and the regulated community. The DWQ Director and the Utah Lake Commission Executive Director will co-chair the Steering Committee.

The members were chosen because of the variety of their interests, experience with water quality or related natural resource issues, and willingness to work together in a collaborative, consensus-based process. In order to foster creative problem solving, members are encouraged to voice their individual viewpoints and ideas. In order to broaden and strengthen the chances of successfully developing consensus recommendations, members are expected to bring the perspectives of their constituent groups, as well as others with similar interests, to the Steering Committee early and often. All individuals participating in the process are bound by these Operating Principles.

Attendance at Meetings. Each member must make a good faith effort to attend each full meeting. If a member cannot attend, his or her alternate is expected to attend in their place to represent their interests. It is the responsibility of the member to inform their alternate about the deliberations.

Withdrawal from the Committee. Any primary or alternate member may withdraw from the Steering Committee at any time without prejudice. Communication about the reasons for withdrawing, if related to the Steering Committee process, would be appreciated. Good faith provisions apply to those who withdraw.

If a primary member withdraws, the expectation is that the alternate member will replace them on the Steering Committee. At that time, nominations could be accepted for the alternate members' seat. If an alternate member withdraws, either an alternate could be chosen by the primary member in consultation with DWQ and the Commission or nominations could be accepted for the seat. Ultimate authority for decisions about replacing members rests with DWQ and the Commission; however, the remaining Steering Committee members will be asked for input on the decision.

III. ORGANIZATIONAL STRUCTURE

Steering Committee Members. Members work together to achieve a mutually acceptable outcome that satisfies, to the greatest degree possible, the interests of all participants. In order for recommendations to be acceptable and implementable, those involved agree to work together to address the concerns and ideas of all those significantly affected. All Steering Committee members agree to:

- Attend meetings and follow through on promises and commitments;
- Bring concerns from their interest group or organization up for discussion at the earliest point in the process;
- Share all relevant information that will assist the group in achieving its goals;
- Keep its organization's decision-makers informed of potential decisions and actions, in order to expedite approval for the final product;
- Support the Steering Committee recommendations if they agree to them; and
- Concur in decisions about the Committee process, including overseeing the implementation of the operating principles.

DWQ Staff. In addition to the DWQ Director who will serve as the Steering Committee Co-Chair, DWQ staff will attend all meetings to serve as water quality experts and provide substantive support as appropriate. At present, Scott Daly, Utah Lake Watershed Coordinator, and Carl Adams, Manager – Watershed Protection Section, will be providing assistance to the Steering Committee as appropriate (though staff changes could result in different staff playing this role over the course of the process). Other DWQ staff will assist as necessary. Legal questions that need to be addressed by the State will go through DWQ to the Attorney General's office.

Utah Lake Commission. The Executive Director of the Commission will serve as the Steering Committee Co-Chair. All recommendations from the Steering Committee will be shared with the Commission for review and/or endorsement prior to being forwarded to the Utah Water Quality Board. The Commission will also provide administrative support for Steering Committee members as necessary.

Science Panel. A Science Panel will be convened to assist the Steering Committee in its efforts. The purpose of the Utah Lake Science Panel (Science Panel) is to assist in development of site-specific nutrient criteria on Utah Lake by overseeing targeted scientific studies. The Charter also indicates the following:

The Steering Committee will nominate a five- to seven-member Science Panel that will provide independent and unbiased scientific advice to the Steering Committee. The Science Panel should

reflect the full range of scientific disciplines required to guide the proposed research program. Candidates may be from the public or private sector. All nominees shall disclose any potential conflicts of interest, any financial relationship or contracts with members of the Steering Committee, DWQ, or other special interests related to Utah Lake. All members of the Science Panel will be objective, preferably independent (i.e., not financially associated with the current Steering Committee members or their organizations) scientists with demonstrated expertise in their respective field of study. Science Panel members must be currently active members of their assigned area of expertise as demonstrated by recent peer-reviewed publications, presentations at scientific meetings, and/or recent experience using applied sciences to manage lake resources. No member on the Science Panel may be a member of the Steering Committee. The Science Panel members will nominate and select one of its members to serve as the panel chair. DWQ will provide final approval of the Science Panel composition, membership, and charter.

In April, 2018, the Steering Committee convened a Science Panel consisting of five independent (voting) scientists who have responsibility to provide independent and objective recommendations to the Steering Committee; and five Ex Officio (non-voting) members who participate in the Science Panel conversations, provide local context, share professional experience and expertise, and advise on relevant experience with Utah and Utah Lake. The Panel is a discipline-focused group composed of members with specialized scientific expertise relevant to the unique characteristics and processes present in Utah Lake. All members of the Science Panel are scientists with demonstrated expertise in their respective field of study and are currently active within their areas of expertise.

If a gap in expertise (either through resignation or because the content of the discussions mandates it) that is critical to the success of the ULWQS the nominations process could be reopened by the Steering Committee. If the Steering Committee is interested in reopening the nominations process, they would reach out to the Science Panel to solicit their thoughts on the apparent need. Alternatively, if the Science Panel identifies the need for additional expertise they can raise that with the Steering Committee and request that an additional member be added for a specific set of discussions or period of time as appropriate.

Utah Water Quality Board. The expected product of the Phase 2 Utah Lake Study is the adoption of any necessary site-specific nutrient criteria by the Utah Water Quality Board. Steering Committee members recognize that final decision-making authority regarding site-specific nutrient criteria for adoption rests with the Utah Water Quality Board. The Utah Water Quality Board will consider all recommendations of site-specific nutrient criteria for adoption from the Steering Committee and the Commission. DWQ will coordinate with the Water Quality Standards Work Group, the Utah Water Quality Board, and the U.S. EPA to obtain formal approval and adoption of any necessary site-specific nutrient criteria.

Facilitator. Committee meetings will be facilitated by RESOLVE with support from SWCA. The facilitation team will not take positions on the issues before the Committee. The facilitator will work to ensure that the process runs smoothly. The facilitator's role usually includes developing draft agendas, distributing meeting materials, facilitating meetings, working to resolve any impasse that may arise, preparing meeting summaries, and other tasks as requested. The facilitator will keep confidential information disclosed in confidence. The facilitator will serve at the will of the group and may be replaced as agreed upon by the members and co-chairs in consultation with DWQ.

Work Groups. As necessary, the Steering Committee may choose to form work groups. The Committee will designate work group members as needed for the anticipated tasks and outcomes. Any Committee member (primary or alternate) can be a member of a work group.

Additional expertise could be added to a work group by a Committee decision if it is thought to be necessary (though there is a preference for only engaging additional expertise to assist the work group in their efforts as opposed to joining the group). At the direction of the Committee, work group members may develop draft products and make recommendations to the Committee. Work groups will not make decisions on behalf of the Committee.

IV. MEETINGS

Open to the Public. All Steering Committee meetings will be open to the public. However, the expectation is that public perspectives will be represented in the Steering Committee process through the involvement of the 16 members. As such, public comment will be limited to a 5 to 15-minute period at the end of each Steering Committee meeting. Members of the public are also encouraged to submit written comments (a form will be provided at each meeting) on the work of the Steering Committee which will then be distributed to all Steering Committee members for their review. In the course of the Steering Committee doing its work additional opportunities for public engagement will be provided. In addition, there will be formal public review and comment process in the course of the Utah Water Quality Board decision-making process.

Agendas. Proposed meeting agendas will be drafted by the facilitator in consultation with the Steering Committee Co-Chairs and then circulated in advance of meetings to all members for comment.

Action Item Memos/Meeting Summaries. In order to assist the Steering Committee in documenting its progress and activities, within five days of each meeting the facilitation team will prepare and distribute an action items memo. These memos will convey major decisions and ensure that timelines for completing agreed upon actions are clear to all participants, and briefly summarize the deliberations of each meeting. These will be distributed to all members for review prior to public distribution.

Breaks and Caucuses. Meetings may be suspended at any time at the request of any member to allow consultation among Steering Committee members. Requests should be respectful of all members' time. If the use of caucuses becomes disruptive, the Committee will revisit the process.

V. DECISION MAKING AND COMMITMENTS

Quorum: The charter defines a quorum as "two thirds (10) of the members of the committee." A quorum is necessary for meetings to proceed.

Decision Criteria. As described in the Charter:

The goal of the Steering Committee is to work toward a consensus recommendation for water quality [site-specific nutrient] criteria necessary to ensure long-term protection of Utah Lake's designated uses. A super-majority, defined by support from three-fourths (12) of all Steering Committee members is required to forward a final consensus recommendation to the Commission and Utah Water Quality Board. Minority opinions will also be forwarded. If a supermajority is not

possible, then opinions with position papers will be forwarded for consideration by the Commission and the Utah Water Quality Board.

In addition, the Charter indicates: “Procedural issues require the support of two thirds of the members present at a meeting.”

NOTE: Recognizing the super majority approach is a useful one to help expedite the process, the Steering Committee members also understand that developing recommendations with the support of all members (i.e., each member can at least live with the recommendation) would likely provide a stronger message to decision makers. As time permits and the discussions unfold, the Steering Committee will strive to achieve the full support of recommendations where possible.

Decision Making. Decisions will be made by those Steering Committee members present at a meeting, recognizing at least 12 members would need to be in attendance for any recommendations to the Commission and Utah Water Quality Board, and at least 10 members would need to be in attendance for any procedural issues. If the members present at a meeting reach agreement on a recommendation to the Commission and Utah Water Quality Board (at least 12 members), the facilitator will convey the results to any absent members to assess their ability to agree. As necessary, if individuals do not support the super majority recommendations and wish to submit minority opinions, they can be forwarded in a package with the super majority recommendation and an explanatory note from the Co-Chairs.

Absence of Consensus. If a super majority cannot be reached, the Steering Committee may choose to articulate areas of agreement and disagreement and the reasons why differences continue to exist, or the individuals or sub-groups may decide to develop and share separate sets of opinion papers.

If the group chooses to articulate areas of agreement and disagreement, members representing the different perspectives on specific issues will be asked to prepare language reflecting their views. The language should clearly identify the issues and information needs and uncertainties. In addition, those members that support each perspective will be identified.

If separate sets of opinion papers are conveyed to the Commission and Board, members representing the different perspectives will be asked to prepare a communication reflecting their views. Regardless of how many opinion papers are developed, they will be packaged together and shared with the Commission and Board along with an explanatory note from the Co-Chairs.

Independent Review. The Steering Committee will utilize the process outlined in 19-5-105.3 and implementing rules R317-1-10 to provide for independent review of any deliverable from the Science Panel that is challenged by one or more Steering Committee members or by any person who has or is seeking a permit in accordance with Title 19-5 and that could be reasonably impacted by the Utah Lake Water Quality Study outcomes.

VI. HANDLING PUBLIC COMMENTS IN THE ULWQS PROCESS

Introduction. Members of the public and individuals from the broader Utah Lake Water Quality Study (ULWQS) stakeholder group are provided an opportunity to comment on the efforts of the study at every Steering Committee (SC) and Science Panel (SP) meeting. Typically, the amount of time given to each individual for verbal comment depends on the number of people intending to comment. Additional

comments may be submitted in writing to the SC co-chairs or on comment cards available at each meeting.

Generally, the SC receives two types of comments from the public and stakeholders: 1) official written comments addressed to the SC co-chairs; and 2) verbal and written comments received at SC meetings. While there are some similarities in the approach for addressing these two comment types, they are discussed separately to sufficiently address the unique character of each. The approach for each type is presented below.

Official Written Comments Addressed to the Co-Chairs. Written comments received by the SC co-chairs will be evaluated for relevance to the ULWQS. The co-chairs, at their discretion, will provide a written response to the commenter and share the comment and co-chair response with the SC. Note, the co-chairs will make every effort to respond to comments; however, the co-chairs may choose to not respond to some comments. Comments and responses will be provided to the SC with the meeting package prior to the next scheduled meeting. If the co-chairs have chosen not to respond to a comment, their rationale as to why will be included and provided to the SC in the meeting package.

Comments Received at SC Meetings. Comments made during the open public comment period or written on the provided comment cards during a SC meeting will be summarized in the meeting summary. Additionally, all comment cards submitted during the meeting will be photo copied into a PFD document and distributed to the SC with the meeting summary document.

Steering Committee Comment Response. For comments received by the co-chairs and at SC meetings, the facilitation team will ask SC members if additional clarification or information is needed for any comment or co-chair response. The facilitation team will also ask SC members to identify comments they would specifically include on the next meeting agenda for SC discussion or response. Additionally, for any verbal comment received during a SC meeting, SC members may choose to acknowledge the comment or provide a brief response at the end of the open public comment period or recommend any comment for additional discussion at the next meeting. SC agendas will allocate time for discussion of comments at the completion of the open public comment period.

Sharing Information with the Science Panel. If Steering Committee members know of members of the public who wish to provide information to the Science Panel they will recommend the information be shared through: 1) the Steering Committee members themselves (who would then forward the information to the facilitation team for distribution); 2) the formal public comment process (either at a meeting/call or via the DWQ website); or 3) by sending the information to the facilitation team directly for distribution. This approach will ensure that all Science Panel members receive the information in a timely and coordinated fashion and that the facilitation team can maintain a formal record of the information being shared. If members of the public do communicate directly with the Science Panel, either the facilitation team or a Steering Committee member will reach out to them to explain the process.

VII. SAFEGUARDS FOR THE MEMBERS

Good Faith. All members agree to act in good faith in all aspects of the collaborative effort. As such, members will consider the input and viewpoint of other participants and conduct themselves in a manner that promotes joint problem solving and collaboration.

Acting in good faith also requires that specific proposals made in open and frank problem solving conversations not be used against any other member in the future; personal attacks and prejudiced statements are not acceptable; negative generalizations are not productive and have the potential to impede the ability of the group to develop recommendations; individuals do not represent their personal or organization's views as views of the Committee; and that they express consistent views and opinions in the Committee and in other forums, including in press contacts.

Should a Committee member be found to be acting in bad faith the facilitator will be asked to talk with the individual(s) about the situation. A variety of approaches will be explored, accordingly, to redress the concerns. The authority to replace and/or remove a member from the Committee rests with DWQ and the Commission.

Rights in Other Forums. Participation in the Steering Committee process does not limit the rights of any member. Members will make a good faith effort to notify one another in advance, if another action outside the process will be initiated or pursued, which will affect the terms of proposals, recommendations, or agreements being discussed.

Press. All Committee members agree to refrain from making negative comments about or characterizing the views of other Committee members in contacts with the press. They also agree not to knowingly mischaracterize the positions and views of any other party, nor their own, in public forums.

VIII. PROCESS SUGGESTIONS/GROUND RULES

Committee members agree to consider and apply the following process suggestions:

- Seek to learn and understand each other's perspective.
- Encourage respectful, candid, and constructive discussions.
- Seek to resolve differences and reach consensus.
- As appropriate, discuss topics together rather than in isolation.
- Make every effort to avoid surprises.

Committee members agree to apply the following ground rules:

- Focus on the task at hand
- Have one person speaking at a time
- Allow for a balance of speaking time by providing succinct statements and questions.
- Listen with respect
- Be civil
- Keep side conversations to a minimum.
- Turn off cell phones or put them in the non-ring mode during formal meeting sessions.

IX. SCHEDULE

At present, the Steering Committee is envisioned to meet approximately six times per year for the next three years. In addition, the Science Panel is expected to meet approximately six times per year. Initially meetings may be more frequent as the research program is developed. The length and frequency of meetings over time will be driven by the work for the Steering Committee, the Science Panel, and structured through conversations about how best to meet the process goals.