

DRAFT
Operating Agreement and Protocols for
The I-70 Mountain Corridor Collaborative Effort

Subject to review, revision, and agreement by Collaborative Effort members

1. Purpose

The purpose of the Collaborative Effort is to:

- 1) Identify remaining central questions, concerns and information needs required to build agreement around a recommended alternative for the I-70 Mountain Corridor Programmatic Environmental Impact Statement (PEIS).
- 2) Identify which questions, concerns and information needs are sufficiently met by previous analysis in the I-70 Mountain Corridor PEIS or which are best addressed in venues and decision making processes other than the PEIS or the Collaborative Effort.
- 3) Build agreement, to the extent possible, around which criteria and key considerations will be used to identify a recommended alternative for transportation modes, improvements and alignments.
- 4) To the extent possible, the group will build agreement around a recommended alternative which identifies modes of travel, transportation improvements, and mechanisms to protect or mitigate impacts to environmental, community and economic health and prosperity.
- 5) Agree on principles, guidelines and mechanisms for future analysis and decision making, consultation between lead and review agencies and stakeholders regarding transportation improvements beyond the Collaborative Effort.
- 6) Consider, and where appropriate, offer guidance on near-term projects that may be initiated before the completion of the PEIS or the Context Sensitive Solutions (CSS) process.
- 7) Collaborative Effort discussions should be cognizant of larger regional, state, national and global issues. For example, fossil fuel availability and costs and carbon emissions are some of the larger sustainability issues that should help frame Collaborative Effort discussions.

3. Membership and Attendance

Members of the Collaborative Effort agree not to appoint alternate members and instead will strive to attend all meetings in person. Members agree that participation by phone or conference call is not desirable. If any member is unable to attend a meeting they can still contribute to the Collaborative Effort by providing agenda items for discussion and by reviewing appropriate materials so as to be prepared for discussions in subsequent meetings.

Weather Cancellation Policy: If a significant number of members are unable to attend due to weather, meetings will be cancelled. As a general guideline, if school busses are cancelled in the area of meeting location or in a number of member's areas, then so too will the meeting be cancelled.

4. Decision Making and Deliberation

The group's highest goal is consensus. A consensus agreement is one that all group members can support, built by identifying and exploring all parties' interests and by developing an outcome that satisfies these interests to the greatest extent possible. To enhance creativity during meetings, individuals are not expected to restrict themselves to the prior positions held by their organizations, agencies or constituencies. The goal of the meetings is to have frank and open discussion of the topics and alternatives in question. Therefore, ideas raised in the process of the dialogue, prior to agreement by the whole group, are for discussion purposes only and should not be construed to reflect the position of a member or to prematurely commit the group.

Formal voting will not be used by the group for decision making. Informal polling may be used during the process to assess the congruence of members on an issue or set of issues. If consensus is not possible, then the level of support and dissention will be noted and all deliberations and products of the Collaborative Effort will be considered by the lead agencies in their decision making.

The participants agree to use the Collaborative Effort venue to resolve questions associated with the PEIS. At the same time, the participants recognize that there are other venues for addressing their concerns, including the CSS process and formal comment periods associated with state and Federal environmental review processes. Participation in this Collaborative Effort process does not preempt participation in any other venue; however, participants in the mediation will be mindful of the impact of their comments in other venues, will refrain from undermining the work of the Collaborative Effort and will not speak for other parties or the collaborative group without explicit instructions from the group's members.

As necessary, the facilitator may call for a break or caucus sessions.

5. Recommended Alternative

The ultimate goal of the Collaborative Effort is to build agreement, to the extent possible, around a "recommended alternative" that identifies modes of travel, transportation improvements and mechanisms to protect or mitigate impacts to environmental, community and economic health and prosperity.

The lead agencies of the I-70 Mountain Corridor PEIS are responsible for identifying and selecting a "preferred alternative". Ideally, the recommended alternative and the preferred alternative will be identical. Lead agencies cannot delegate their responsibilities regarding decision making and selecting a preferred alternative. However, as equal and participating members of the Collaborative Effort, lead agencies are committed to crafting with all stakeholders a recommended alternative that can be supportive and consistent with a recommended alternative.

6. Document Review

The facilitators are committed to preparing agendas, meetings summaries and supporting materials for the Collaborative Effort which serve the breadth of interests of members and which are not inappropriately influenced by any particular stakeholder group or membership.

All changes, suggestions or edits to supporting documents will be submitted through the facilitators. Facilitators are responsible for posting relevant materials to the PEIS website.

Two types of meeting summaries will be prepared:

- “Summary Notes” will be a short summary of key points prepared during the meeting and reviewed by the group before adjourning.
- “Meeting Minutes” are also prepared by the facilitators, and are a more detailed account of meeting proceedings. Meeting Minutes will be circulated, reviewed and approved by e-mail in between meetings.

Approval of the Summary Notes or Meeting Minutes by group members is a testament that the summaries accurately reflect the discussions in the meeting. Approval of the summaries does not signify an official or binding agreement for any group member.

7. Email Communication

Email will be used for meeting scheduling and logistics, document review and agenda building. Email will not be used for discussion, deliberation or agreement building.

8. Independent Technical Support

The Collaborative Effort may seek to appoint a technical expert or resource to support decision making and deliberation. For example, a technical expert may provide insight on the application and interpretation of National Environmental Policy Act and environmental impact statements. If technical expertise is needed that cannot be adequately provided by existing resources available to the Collaborative Effort, Collaborative Effort group, or an agreed upon subset of the group, will assist directly in the selection of technical experts.

9. Public Attendance and Comment

Collaborative Effort meetings are dedicated working sessions for group members. As such, agendas for the Collaborative Effort will be designed to maximize the time for group discussion and deliberation. To promote transparency, thorough discussion and the inclusion of the breadth of interests and stakeholders, all meetings of the Collaborative Effort will be open for observation by interested members of the public and a brief public comment period will be provided in each meeting.

10. Communication with other organizations, individuals and the media

Collaborative Effort members wish to maintain an environment that promotes open, frank and constructive discussion. Members recognize that such an environment must be built on mutual respect and trust, and each commits to avoid actions that would damage that trust. In communicating about the group’s work, including communicating with the press, each member agrees to speak only for herself or himself; to avoid characterizing the personal position or comments of other participants; and to always be thoughtful of the impact that specific public statements may have on the group and its ability to complete its work. No one will speak for any group other than their own, without the explicit consent of that group. Should anyone wish the Collaborative Effort to release information to the press, the group will do so through a mutually agreeable statement, drafted by consensus of all of that group’s members.

11. Working Groups and Support for Stakeholder Groups

As necessary, subcommittees may be formally created by the group to address special topics in greater detail. These Working Group may be formed in conjunction with the CSS process, particularly when broader participation may be helpful.

In addition, facilitation or agenda building support may be offered to stakeholder groups to promote coordinated, informed and representative discussions by all members.

***More clarification on role of CSS and integration with CE.

12. Facilitation

The role of the facilitators is to assist the group in identifying issues and interests, narrowing options, and developing agreement where possible. They will do this by:

1. Ensuring that a broad range of perspectives are brought to bear on the decision-making processes, including the perspectives of those most affected by the decisions or policies at issue.
2. Remaining impartial on the substance of issues being discussed while ensuring that participants decide which issues are discussed.
3. Considering the entire group as the "client;" recognizing that any participant, not just the funder, can recommend that the facilitator is not acting as a neutral party and should be excused from his or her duties.
4. Fully disclosing the sources of funding and relationships and protocols with those funding facilitation services.
5. Reserving the right to withdraw from a process if the facilitator has just reason to believe participants are not participating in good faith.
6. Ensuring that decision-makers within the organization and our projects understand that they cannot use the facilitator to influence the outcome of any of our projects.
7. Encouraging decision-makers in our projects to use consensus wherever possible and appropriate.
8. Encouraging the fullest disclosure and exchange of information that may be vital to finding solutions while respecting that participants may choose to place constraints on what is made public and what remains proprietary.
9. Posting relevant meeting materials to a common website. www.i70mtncorridor.com

13. Schedule and Milestones

Members of the Collaborative Effort commit to efficient, effective discussions. All members agree up front to strive to meet the schedule they establish at the first meeting. Group discussion and deliberations may result in the intentional, formal adjustment of the schedule and milestones.

For example, the group may find that technical information required for an informed discussion on a central or critical topic is lacking or absent and required for informed discussion.

Members of the Collaborative Effort will seek agreement on which information needs or discussion items bear directly on the scope and decision making of the Effort and of the I-70 Mountain Corridor PEIS. It is likely that there will be discussion items or information needs that cannot be addressed within the timeframe of the Collaborative Effort schedule. For these concerns, the members of the Collaborative Effort will seek agreement on decision making principles and processes beyond the Collaborative Effort.

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