

Chapter 2: Governance

Group responsible for development of Plan

The Inyo-Mono Regional Water Management Group was the entity responsible for the development of the Phase I Inyo-Mono IRWM Plan. The IRWMP staff, along with a few RWMG participants, was responsible for most of the writing. Other RWMG participants provided specific information for inclusion in the Plan and also helped to review drafts.

Public noticing of Plan development

IRWMP staff developed the following public notice statement for publication in area newspapers, in accordance with §6066 of the Government Code.

NOTICE OF PREPARATION OF INYO-MONO INTEGRATED REGIONAL WATER MANAGEMENT PLAN

November 15, 2010

The Inyo-Mono Regional Water Management Group intends to prepare an Integrated Regional Water Management Plan to be completed in December, 2010. Any member of the public who wishes to provide input to the document may do so by contacting Holly Alpert, Project Assistant, at holly.alpert@gmail.com by November 29, 2010. The Regional Water Management Group intends to adopt the Plan at its December 15, 2010, regular meeting. This meeting is open to the public. Interested parties can find more information on the Inyo-Mono IRWMP website: www.inyomonowater.org.

This public notice was published for two consecutive weeks in November, 2010, in both the *Mammoth Times* (serving Mammoth Lakes and Mono County) and the *Inyo Register* (serving Bishop and Inyo County). Both of these newspapers are papers of public record for Mono County and Inyo County, respectively. This public notice provided an opportunity for the public to provide input into the Phase I Plan as well as to be present during the adoption of the Plan (during which a public comment period was available).

Plan adoption process

Once the first draft of the Plan was completed, all RWMG participants had an opportunity to read and comment on the document. Changes and comments were discussed at a publicly-noticed RWMG meeting. Staff revised the document in response to comments from the Group and provided a final version using the email contact list. RWMG members then took a finalized version of the Plan to governing boards for their approval, and the Plan was formally adopted by the RWMG at the December 15, 2010, RWMG meeting.

Description of chosen governance structure

The RWMG acts as the forum for MOU signatories and other participants to meet and discuss issues relevant to IRWM Plan development and implementation. The RWMG is the final approval body for the IRWM Plan components, including, but not limited to, goals and objectives, project prioritization, funding proposals to finance and implement the Plan, hiring and overseeing management of consultants and staff, and approving any revisions to the MOU or the Plan itself. RWMG members that have signed the MOU are affirming their commitment to ensuring long-term ecosystem health of the area watersheds; protecting water supply and water quality; involvement of local communities, especially disadvantaged communities; building institutional and human capacity; protection, preservation, and restoration of natural resources of the Inyo-Mono region; and open communication and collaboration.

Throughout the pre-planning and planning phases (2008-2010) of the Inyo-Mono IRWMP, the RWMG met about once per month. RWMG meetings are always open to the public and are posted in local media outlets, on the Inyo-Mono website, and through County Board agendas, in compliance with the Ralph M. Brown Act. Throughout much of the pre-planning phase, RWMG meetings were facilitated by a qualified contracted facilitator from the Center for Collaborative Policy. Due to the State budget freeze in December, 2008, the I-M RWMG was no longer able to employ the services of the facilitator, and the Project Manager became the de facto facilitator for RWMG and (at that time) Coordinating Committee meetings.

Under the November 15, 2010, MOU, an Administrative Committee replaced what was the Coordinating Committee in the pre-planning governance structure. The Administrative Committee is made up of six RWMG members and two alternates. The primary roles of the Administrative Committee are to provide advice and guidance to staff and to help guide the decisions and process of the RWMG. The Administrative Committee helps to review materials to be presented at RWMG meetings, including agendas and other documents. A new role of the Administrative Committee is to help resolve conflict within the RWMG – for example, when consensus cannot be reached on a particular decision item. The Administrative Committee may also play a role in developing substantive proposals, policies, and recommendations at the request and subject to approval of the RWMG, but the Administrative Committee has no decision-making authority. All RWMG members will have the opportunity to serve on the Administrative Committee, on a rotating basis. Three Administrative Committee seats will rotate

each year to new members, and three will remain for another year to provide consistency between years. Thus, each Administrative Committee member will serve for two years except three of the initial Administrative Committee appointees, who will serve for one year. The initial Admin Committee consists of Inyo County, Mono County, Mammoth Community Water District, Bishop Paiute Tribe, Central Sierra Resource Conservation and Development Council, and Mono Lake Committee. All Administrative Committee members must represent MOU signatories.

Ad-hoc work groups are formed and directed as needed by the RWMG to undertake work on specific topics or issues and provide input and recommendations to the Administrative Committee and/or RWMG. All results from work groups are reviewed by the RWMG. Ad-hoc work groups have no decision-making authority and are intended to undertake focused work on particular topics and to develop databases, recommendations, and/or queries for the Group to consider. Topics or issues for ad-hoc work groups include, but are not limited to, budget development and review, fundraising, community outreach, Plan objectives and strategies, project development and proposal assistance, issue-specific research and analysis, and oversight of staff and consultant work.

The Inyo-Mono IRWM Project Staff represents the RWMG in meetings with other local, state and regional organizations and agencies, other RWMGs, and the general public. Project Staff oversees consulting contracts approved by the RWMG to assure appropriate and timely results and is responsible for project documentation and timely and accurate reporting to the RWMG, DWR, and other agencies as appropriate. Project Staff also works closely with the fiscal agent and is responsible for working with this entity to assure accurate and timely payment and documentation of IRWM budget expenditures.

Discussion of MOU and decision-making

The Inyo-Mono IRWM process has been divided into phases, and these phases have corresponded to different governance structures. The initial, or pre-planning, phase of the Inyo-Mono IRWMP utilized a Memorandum of Understanding (Appendix B). This MOU provided a management structure that assigned decision-making authority to the RWMG. Only those members of the RWMG that had signed the pre-planning MOU were eligible to participate in the decision-making process, though all interested entities were welcome to attend and participate in RWMG meetings. Entities were invited to sign this MOU at any time; there was no deadline. Indeed, groups signed the pre-planning MOU up until the time that the next iteration of the MOU was being developed. The pre-planning MOU also provided background on the Inyo-Mono IRWMP and described the consensus decision-making process.

As the RWMG moved forward into the planning phase and as the group matured, several participants thought it important to revisit and make changes to the MOU. What resulted was an entirely new MOU that sets forth the purpose of the RWMG, the structure of the RWMG and its decision-making processes, and other items related to staffing, fiscal agent, budget, meetings,

and reporting (Appendix C). The planning/ implementation MOU became effective November 15, 2010, and will govern the planning and implementation phases of the Inyo-Mono IRWMP. There will be an opportunity to revisit and make changes and amendments to the MOU once per year, with the first revision period to take place in early 2011.

I-M RWMG decisions on policies and actions are made by consensus at publicly-noticed meetings held in compliance with the Brown Act. In reaching consensus, some members may strongly endorse a particular proposal while others may accept it as “workable”. Others may only be able to “live with it”. Still others may choose to “stand aside” by verbally noting a disagreement, yet allowing the group to reach a consensus without them. Any of these actions constitutes consensus. If any RWMG member opposes an action, the proposed action fails. It is expected that members in opposition to a particular action will verbally state their concerns during the meeting at which the decision is being made. If no consensus is reached, the matter is turned over to the Administrative Committee so that it can work with the opposing entity(ies) in addressing their concerns and attempting to reach consensus. Since neither the Administrative Committee nor the RWMG has any regulatory authority, any decisions they make cannot regulate or force another entity against its will to take an action not in their interest or against its own regulations or policies. All decisions will be made and developed under the consensus rule. If consensus cannot be reached during the second consideration by the RWMG, “avoided decisions” will be archived and may be reviewed at a later time in order to continue seeking solutions for difficult and important issues for which consensus has not been achieved. This consensus process is designed to achieve the development of a single, collaborative water management portfolio that is prioritized based on the adopted goals and objectives of the RWMG. To date, the consensus process has been employed successfully by the Group.

Discussion of how chosen governance structure addresses various activities

The governance structure and processes of the Inyo-Mono RWMG ensure opportunity for public participation and involvement in the development of the IRWMP Plan and in other RWMG activities. All meetings are open to the public, and members of the public may find information about the IRWMP at any time by visiting the Inyo-Mono website. The inclusive nature of the RWMG, along with consensus-based decision-making and extensive outreach efforts on behalf of the RWMG, help to ensure that the Inyo-Mono IRWMP will remain an open and transparent process into the future.

Through more than two years of meetings and discussions, the RWMG has developed a process to ensure that RWMG members’ governing boards are provided with consistent and timely information about I-M IRWMP efforts and activities. RWMG meetings are scheduled so that governing boards with strict agenda requirements have opportunity to meet and discuss the upcoming meeting and provide guidance to representatives. Draft agendas are sent out via email for comment and additions by the RWMG, and final agendas, along with meeting location and call-in information, are provided to the RWMG at least one week ahead of the meeting. For most items that will require a decision on the part of the RWMG members, the action item is put

on the agenda for discussion at one RWMG meeting with the goal of recommending a decision item for the next meeting. This process provides RWMG members opportunity to discuss the decision with their governing boards and receive guidance for decision-making at the next meeting.

Access and opportunity for participation in Inyo-Mono IRWMP

I-M RWMG members are involved in a variety of ways. At the most basic level, RWMG members attend and participate in Group meetings. A subset of the RWMG members sits on the Administrative Committee, which provides guidance to staff and helps to resolve disagreement within the RWMG. Staff relies on the members of the Administrative Committee, as well as other RWMG participants, to provide feedback and advice on day-to-day decisions and operations. RWMG participants also have opportunities to participate in work groups that perform specific tasks or functions, such as developing budgets for grant proposals, creating project review criteria, or assisting with writing assignments. Because of the large and remote nature of the Inyo-Mono region, many stakeholders mostly participate in RWMG meetings by phone, or if they cannot participate at all, they can stay informed about I-M IRWMP activities through the website, emails, or through contact with staff. Stakeholder involvement is actively sought and welcome at any level.

For stakeholders that are not yet a part of the IRWM process, any member of the public is welcome to attend RWMG, Administrative Committee, and work group meetings. In the summer of 2010, the I-M RWMG decided by consensus that it would abide by the Ralph M. Brown Act in convening and noticing its standing committee meetings. Stakeholders and other members of the public can find meeting information on the I-M IRWMP website as well as at several posted locations throughout the region. Furthermore, each RWMG meeting agenda is presented to the Board of Supervisors of both Inyo and Mono Counties and is part of the public record. Call-in locations are available and open to the public.

Internal and external communication

Communication between staff and the RWMG, and among RWMG representatives, primarily occurs via email. IRWMP staff uses email to send out meeting notices and agendas, documents, announcements, and other relevant material. The project website (www.inyomonowater.org) is used as another primary tool for outreach and communication throughout the I-M IRWM planning region. On this website, visitors can find topics such as introductory information about the I-M IRWMP, member organizations, meeting summaries, and links to other IRWMP groups. Documents that are sent to the RWMG through email are usually also posted to the website. It has become evident, however, that email and the website are not always the best communication or outreach tools in this expansive and largely rural region. Many people in the I-M IRWMP planning region do not have adequate internet access; thus,

Project Staff is working to identify the best means to keep everyone informed in the region, such as hardcopy newsletters that are sent via U.S. mail.

External communication of IRWMP matters takes place primarily through the website and through local media sources. The Inyo-Mono IRWMP effort has been visible within local media outlets. The three most widely-read local newspapers have each run several articles about various aspects of the Inyo-Mono IRWMP, including interviews with IRWMP staff and RWMG participants. There are several documented cases of these articles contributing to the involvement of new RWMG participants. More recently, a staff member from one of the local newspapers has been regularly attending RWMG meetings and has been posting meeting announcements and agendas on the newspaper's website. All public notices regarding IRWMP activities – the public notice for development of this Plan, for example – are published in the three regional newspapers.

Long-term implementation of IRWM Plan

It is the intention of the Inyo-Mono RWMG to create an IRWM Plan with a time horizon that goes beyond DWR's current Proposition 84 IRWM Program. Indeed, language in the MOU was selected for the purpose of creating a body to address the region's water resources in a long-term, collaborative manner, whether funding is acquired from DWR or from some other source. The collaborative, diverse, consensus-based governance structure is designed not only to develop a Plan, but to create a robust and adaptable RWMG that will create a single management portfolio to address regional water issues consistent with the goals and objectives of the I-M IRWMP.

Coordination with other IRWM regions, State agencies, and federal agencies

Through the 2009 Region Acceptance Process, the Inyo-Mono RWMG made contact with and met regularly with all neighboring IRWMP regions. These meetings were held to ensure consistency in IRWMP region boundary designations and to set the stage for potential future interregional planning and implementation efforts (see Chapter 9). In addition, the Inyo-Mono RWMG sought guidance from established IRWM groups in the development of its planning grant application and Phase I Plan. The firm commitment on the part of the RWMG to supporting multi-benefit projects and processes will ensure that these relationships with other IRWM groups will continue. The Inyo-Mono RWMG has also been regularly participating in meetings of the Central Nevada Regional Water Authority, a collaborative group comprised of stakeholders from central and northern Nevada, as well as Utah and three counties within California (including Inyo and Mono Counties), that meets regularly to discuss water issues of concern in Nevada and bordering states. Because the Inyo-Mono region shares a border with Nevada and includes common watersheds, it is important to conduct outreach to Nevada stakeholders and understand their water concerns.

Both State and federal agencies are involved in the RWMG and regularly attend meetings. This includes California Department of Fish and Game, U.S. Forest Service, U.S. Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. National Park Service, and U.S. Bureau of Reclamation. Each federal or State entity provides a unique perspective on managing land and water resources. Given that more than 90% of the Inyo-Mono region is comprised of public land, these government agencies are important partners in land and water planning.

The relationship between the Inyo-Mono RWMG and DWR has been important in the development of the I-M governance structure and planning processes. DWR is able to provide useful information from other IRWM groups, along with its own perspective, to help guide the activities of the I-M RWMG.

Integration of stakeholders and institutions

One of the most tangible, yet unquantifiable, benefits of the I-M IRWM process to date has been the practice of gathering water-related stakeholders at meetings on an almost-monthly basis to discuss the group, its activities, and water issues. Many of the organizations sitting at the table have historically been at odds over water issues. While it is not expected that the RWMG will solve all water-related conflicts in the region, many RWMG participants have acknowledged the advantages of increased communication and cooperation among adversaries and allies alike. The process has helped to educate stakeholders about each other's activities and priorities. Smaller water districts have sought advice from larger water districts on technical issues. Less experienced communities benefit by learning from groups with more experience in water management, and in turn, RWMG stakeholders have begun to understand the difficulties of maintaining high-quality water resources and ensuring ecosystem protection in small, rural communities. During the RWMG's visioning exercise in early 2010, several RWMG participants expressed the desire that the IRWMP process should help individual stakeholders overcome conflict and should allow the group to speak with one voice and from common objectives.

Process used to establish Plan objectives

See Chapter 6 for a discussion of the process used to establish Phase I Plan objectives.

Process for completing changes or amendments to the Plan

As with the Memorandum of Understanding, the I-M Group will periodically review the Inyo-Mono IRWM Plan and provide opportunity to change and/or amend the Plan. For minor changes, including corrections and small wording changes, the Plan will be reviewed once every six months. During this semi-annual review period, there will also be opportunity to add, modify, or remove projects to/within/from the Plan (see Chapter 8). Proposed changes to Plan text or projects will be requested by a certain date. These changes will be discussed at a

subsequent RWMG meeting. The Group members will then make a recommendation to incorporate approved changes into the Plan, which will go before governing boards and come back to the RWMG for a consensus decision at a subsequent meeting. A similar process will be used for making amendments to the Plan. Amendments suggested during this semi-annual process will be fairly minor and will not substantively alter the Plan's meaning.

The Inyo-Mono IRWM Phase I Plan will be revised based on the Inyo-Mono Group's Planning Grant Application of September, 2010. Several substantive revisions will be made in the Phase II Plan, including revisiting goals/objectives/strategies, the project review process, the project list, and responses to climate change. It is the intention of the Group that these revisions will be completed 12 months after the planning grant contract is signed (estimated completion date: Spring, 2012). Thereafter, the Inyo-Mono IRWM Plan will be reviewed for substantive changes and updates every two years. Expected substantive changes include updates regarding regional description details, water-related policies and plans in the region, climate change impacts and responses, changes to the project list and prioritization, and measuring progress of the Plan implementation, among others. All changes to the Plan, whether they be major or minor, will follow the same process of discussion and decision by the RWMG Members (MOU signatories).