

## Laramie County Control Area Steering Committee Group Charter

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## Laramie County Control Area Steering Committee Group Charter

### 1. BACKGROUND AND PROJECT DESCRIPTION

In the face of declining groundwater levels in the High Plains aquifer system in southeastern Wyoming, the Wyoming State Engineer (“State Engineer”) declared the eastern two-thirds of Laramie County to become a Groundwater Control Area – a special groundwater management district – in 1981. The Laramie County Control Area stretches from Cheyenne east to the Nebraska border, south to the Colorado border, and north to Platte and Goshen Counties. The High Plains aquifer system underlying most of Laramie County has been heavily used since the 1970s. In the Control Area, as in other areas, an application for a new water right or a petition to amend an existing water right may be subject to public notice, objections from existing water right holders, and hearings.

After 33 years as a “control area”, the water levels in the High Plains aquifer have continued to decline, especially in the eastern and southeastern part of the county. Responding to mounting concerns over increasing development and use of groundwater resources, the State Engineer issued a *Temporary Order Adopting Well Spacing Requirements within the Laramie County Control Area* on April 11, 2012. The Order temporarily limits groundwater development in the Laramie County Control Area. The order establishes well spacing restrictions (horizontally and vertically), as well as use limitations for most new groundwater applications in the Control Area.

The citizens of Laramie County now face the issue of how to sustainably manage the aquifer in the Laramie County Control Area that is an important resource to its residents, especially the agricultural community, which has seen the most dramatic declines and relies on groundwater for its viability. The State Engineer has the authority under state law to regulate the use of the groundwater source in the control area by closing the control area to further water well permitting, placing caps on production, regulating wells by priority or developing a system of rotation of uses.

Wyoming state law also provides the opportunity for water users in the control area to develop their own alternative to a state engineer's order. A local agreement can invoke the tools available to the State Engineer, but is far more flexible and could include incentives, programs and other creative options to reduce water use in ways that the State Engineer is not empowered to do. A requirement in statute is that a locally led agreement must not injure any party not signatory to it, nor be detrimental to the public interest.

In October 2014, the Laramie County Commissioners created the Laramie County Control Area Steering Committee and appointed 29 members representing water users in the county, economic development interests, water conservation interests,

and experts in water use and allocation. The Commissioners charged the Steering Committee to develop creative and effective options for reducing water use in the control area. The Steering Committee has a deadline of April 1, 2015 to craft such measures, which will be forwarded to the State Engineer for consideration.

## **2. PURPOSE**

The purpose of the Laramie County Control Area Steering Committee (Steering Committee) is to provide the State Engineer with recommendations to address declining groundwater levels in the High Plains aquifer system. It will accomplish this through mutual education; transparency in process; fostering communication between constituents; and identifying, evaluating, and recommending options that meet the needs of the many stakeholders involved.

## **3. PRODUCTS AND OUTCOMES**

The Steering Committee will develop near and long term strategies, recommendations and measurable actions by consensus for reducing groundwater use that the State Engineer can implement. Consensus recommendations will be submitted to the State Engineer for consideration consistent with the provisions of §41-3-915 (c) Wyoming Statutes. The State Engineer, with the advice of the Laramie County Control Area Advisory Board, will issue findings on the recommendations. The Steering Committee may choose to amend its recommendations based on the State Engineer's findings, and submit amended recommendations.

Recommendations from the Steering Committee to the State Engineer must be signed by the Steering Committee members who are in agreement with the recommendations. Signatories will be identified by one of two categories:

- a. Steering Committee members who are appropriators of underground water from the control area;
- b. All other Steering Committee members.

## **4. GEOGRAPHIC AREA**

This effort will be limited to developing recommendations pertaining to the Laramie County Control Area.

## **5. STEERING COMMITTEE MEMBERSHIP AND REPRESENTATION**

The Steering Committee is representative of organizations with interests in the use and conservation of groundwater from the High Plains aquifer. Although it is recognized that Steering Committee members have multiple interests and may participate in discussions from various perspectives, Steering Committee members broadly represent the following organizations and interest groups:

- Cheyenne Board of Realtors
- South Cheyenne Community Development Association
- Southeast Wyoming Builders Association

- Economic Development
- Laramie County Conservation District
- Laramie County Stock Growers
- Agriculture/Irrigators
- Rocky Mountain Farmers Union
- Small municipalities
- City of Cheyenne
- Cheyenne Board of Public Utilities
- Cheyenne/Laramie County Health
- Industry
- Academia
- Private Property Owner

The Steering Committee is composed of the following members:

| <b>Name</b>      | <b>Organization</b>                              |
|------------------|--|
| Bill Bonham      | Laramie County Stock Growers                     |
| Randy Bruns      | Econ Development                                 |
| Jim Cochran      | LC Conservation District                         |
| Bill Edwards     | Southeast Wyoming Builders Association           |
| Dennis Ellis     | Industry   |
| Dan Frank        | Laramie County Stock Growers                     |
| Greg Gross       | Ag/Irrigators                                    |
| Kristi Hansen    | University of Wyoming                            |
| Jim Hastings     | Alternate  |
| Gary Hickman     | Cheyenne/Laramie County Health                   |
| Scott Horgen     | Industry   |
| Brenda Johnson   | Alternate  |
| Judy Johnstone   | Small municipalities                             |
| Rick Kaysen      | City of Cheyenne                                 |
| Jim Lerwick      | Ag/Irrigators                                    |
| Brian Lovett     | LC Conservation District                         |
| Leslie Mead      | South Cheyenne Community Development Association |
| Max Minnick      | Cheyenne Board of Realtors                       |
| Jim Murphy       | Cheyenne Board of Public Utilities               |
| Joe Patterson    | Southeast Wyoming Builders Association           |
| Bonnie Reider    | South Cheyenne Community Development Association |
| Bill Shain       | Small municipalities                             |
| Dale Steenbergen | Econ Development                                 |
| Lars Story       | Industry   |
| Mike Sullivan    | City of Cheyenne                                 |
| Lisa Tabke       | Cheyenne Board of Realtors                       |

|                 |                                    |
|-----------------|------------------------------------|
| Tom Taylor      | Private Property Owner             |
| Troy Tompson    | Laramie County Commissioners       |
| Tim Wilson      | Cheyenne Board of Public Utilities |
| Scott Zimmerman | Rocky Mountain Farmers Union       |

Steering Committee members will be expected to represent the interests of (1) themselves, (2) organizations that have authorized the Steering Committee member to represent them, or (3) groups of constituents from a similar stakeholder group. Ideas presented within Steering Committee discussions will not be assumed to be the official position of the organizations or groups represented unless specifically stated to be so. Steering Committee members have the responsibility to keep the organizations and interest groups they represent informed about the actions and outcomes of the Steering Committee's process.

Each organization and interest group is represented by one or more Steering Committee members. In the event that a Steering Committee member cannot attend a meeting, an alternate member has been appointed. Alternate group members are encouraged to attend Steering Committee meetings along with the primary group members and participate in Committee discussions. When committee decisions are to be made by vote, only the primary members, or alternate members in the absence of primary members, may vote.

Members are appointed by the Laramie County Commission. Term of membership on the Steering Committee will be through April 1, 2015. Reappointments will be made by the County Commission.

## 6. ROLE OF THE PROCESS SUBCOMMITTEE

A Process Subcommittee consisting of representatives of the Steering Committee will be appointed by the Steering Committee. The Process Subcommittee will contribute input on the direction of the Steering Committee, serve as the liaison between the Steering Committee and the State Engineer, as well as provide support and feedback to the Ruckelshaus Institute facilitators. The Process Subcommittee may be convened at any point guidance is needed on a particular issue. Members of the Subcommittee are:

| <b>Name</b>    | <b>Organization</b>                              |
|----------------|--|
| Bill Edwards   | Southeast Wyoming Builders Association           |
| Judy Johnstone | Small municipalities                             |
| Jim Lerwick    | Ag/Irrigators                                    |
| Bonnie Reider  | South Cheyenne Community Development Association |
| Tom Taylor     | Private Property Owner                           |
| Tim Wilson     | Cheyenne Board of Public Utilities               |

## 7. RESPONSIBILITIES OF THE STEERING COMMITTEE

a) Conduct of Steering Committee Members

Steering Committee members will engage in open communication at the meetings. This means disclosing interests, needs, actions, and issues in a timely manner and committing to the purpose of the Steering Committee. The primary responsibility of the Steering Committee is to balance the interests related to groundwater use in the Laramie County Control Area in providing recommendations to the State Engineer. Steering Committee members will endeavor in good faith to develop recommendations that are satisfactory to all Steering Committee members and not detrimental to the public interest. Steering Committee members will ensure that an integrated approach is taken in formulating recommendations by meeting together as needed to assure strong communication and collaboration among Steering Committee members.

b) Keeping Constituents Informed

Steering Committee members will engage in active communication with constituents about actions and outcomes of the Steering Committee. Active communication can include written, verbal, and electronic means of communicating. Members will have meeting summaries available to them for keeping constituents informed.

c) Representing Constituents

In developing recommendations, Steering Committee members will consider the interests of other group members as well as their own particular interest group when reviewing issues and recommendations. Steering Committee members will invite proposals from their constituents to present to the Steering Committee and will provide proposals from the Steering Committee to their constituents for feedback and input.

d) Attending Meetings

Each Steering Committee member and Alternate Steering Committee member is expected to attend and fully participate in each meeting, which includes being present for substantially all of the meeting. Steering Committee members shall read appropriate materials and arrive prepared to work. Materials presented for discussion should be distributed at least one week in advance of the meeting or longer, as is practical.

In the event that neither the primary Steering Committee member nor the alternate Steering Committee member is able to attend a meeting of the Steering Committee, and the primary Steering Committee member is not in

agreement with any actions taken by the Steering Committee during his/her absence, that member has until the meeting summary review at the next meeting to register his/her dissatisfaction with actions taken. A reasonable amount of time will be devoted to old business at meetings. Email may be used to expedite this process.

e) Understanding and Abiding by the Charter

Steering Committee members and Alternates are expected to read, fully understand, and conduct themselves in accordance with the requirements of this charter.

## 8. RESPONSIBILITIES OF THE FACILITATORS

The Steering Committee will be facilitated by faculty and staff of the Ruckelshaus Institute at the University of Wyoming. The roles and responsibilities of the Facilitators include:

- Facilitating meetings in a manner consistent with interest-based negotiations and this charter;
- Handling meeting logistics;
- Keeping meeting attendance records of all Steering Committee members;
- Helping the Steering Committee stay on task and on process;
- Protecting Steering Committee members and their ideas from attack while ensuring that provocative issues are not avoided, but are discussed in a candid and respectful manner;
- Helping Steering Committee members to concisely describe their interests;
- Helping Steering Committee members find innovative and workable solutions;
- Helping Steering Committee members reach consensus;
- Providing for equitable participation by all Steering Committee members;
- Working, both at and between meetings, with Steering Committee members to assist in the free exchange of ideas between the Members and to resolve any impasses that may arise;
- Periodically surveying Steering Committee members to assess fairness, meaningfulness and efficiency of the process;
- Maintaining a list of significant topics on which the Steering Committee has reached consensus or have failed to reach consensus.

## 9. DECISION PROCESS

The Steering Committee will operate by consensus of all members represented at the meeting. Consensus is the decision rule that allows collaborative problem solving to work. It is a way for more than two people to reach agreement. Consensus

prevents domination by the majority, allows building of trust and the sharing of information, especially under conditions of conflict. Consensus does not mean that everyone will be equally happy with the decision, but all do accept that the decision is the best that can be made at the time with the people involved.

Consensus requires sharing information, which leads to mutual education, which provides the basis for crafting workable and acceptable alternatives. Consensus promotes joint thinking of a diverse group and leads to creative solutions. Also, because parties participate in the deliberation, they understand the reasoning behind the recommendations and are willing to support them.

In making decisions, each Steering Committee member will indicate his/her concurrence on a specific proposal using a five-point scale. The scale allows Steering Committee members to clearly communicate their intentions, assess the degree of agreement that exists, and register their dissatisfaction without holding up the rest of the Steering Committee. The five-point scale is as follows:

1. Endorsement –Member likes it.
2. Endorsement with Minor Point of Contention – Basically, member likes it.
3. Agreement with Minor Reservations – Member can live with it.
4. Stand aside with major reservations – Formal disagreement, but will not block the proposal/provision
5. Block – Member will not support the proposal.

Facilitators will measure and record the Steering Committee's consensus on a given proposal by open polling of the members present. The levels of consensus are:

- Consensus - All Steering Committee members present rate the proposal as a 1, 2 or 3.
- Consensus with Major Reservations – All Steering Committee members present rate the proposal as a 1, 2 or 3, except at least one Steering Committee member rates it as a 4.
- No Consensus - Any Steering Committee member present rates the proposal as a 5.

Any Steering Committee member that rates a significant proposal (i.e., a proposal that involves significant discussion and has the support or qualified support of a majority of Steering Committee members) as a 5 is required to specify their dissent in a written statement for inclusion in the final written report. Dissenters who share the same basic concerns can use a single dissention statement. Dissenters will also identify themselves by name and organization on their dissention statements. Any Steering Committee member that rates a proposal as a 4 can specify their reservation in a written statement for inclusion in the final written report if the member so chooses

## 10. FINAL REPORT ON RECOMMENDATIONS

The Ruckelshaus Institute will draft a final report of Steering Committee Recommendations to be submitted to the State Engineer with a copy to the Laramie County Commission. The report will contain a detailed description of Steering Committee recommendations. Final recommendations will include only the consensus recommendations with votes of 4 and above. Each recommendation will be provided a score that reflects the level of consensus of the Steering Committee members present. In cases where a member rated a particular proposal as a 4, their reservation statement will be included with the recommendation. The report will also contain the significant proposals that did not gain the consensus of the Steering Committee. These proposal will be listed separately from the Steering Committee recommendations and will be labeled as such. Steering Committee member dissention statements will be included with these proposals.

## 11. AD HOC GROUPS

Ad Hoc subcommittees may be formed in order to address specific topics or issues. Work generated from these subcommittees will be reported back to the full Steering Committee. Subcommittees will follow the same ground rules for interaction as the full Steering Committee. Subcommittees may choose to bring in subject matter experts for a particular topic, but must first inform the Steering Committee co-chairs before doing so.

## 12. GROUND RULES FOR INTERACTION

In order to have the most efficient and effective process possible, Steering Committee members will follow these basic ground rules:

### **Discussion Ground Rules During the Meetings**

- Raise hand to be recognized by the Facilitator.
- Speak one at a time in meetings as recognized by the Facilitator. Everyone will participate, but none will dominate.
- Be concise and stick to the topics on the meeting agenda. Honor a two-minute time limit for statements and responses unless the Facilitator allows more time.
- Speak only on one topic per entry (no laundry lists).
- Speak to the whole group when talking.
- Avoid side conversations.
- Avoid off-topic questions.

- Treat each other, the organizations represented on the Steering Committee, and the Steering Committee itself with respect at all times.
- When communicating with the media, Steering Committee members will treat each other, the organizations represented in the Steering Committee, and the Steering Committee itself with respect.
- Refrain from interrupting.
- Monitor your own participation – everyone should participate, but none should dominate.
- Adhere to the agenda and time schedule with diligence.
- Put cell phones on “vibrate” and leave the room when a call is received.
- Be prepared to start on time.
- Recognize that everyone’s interests are important.
- Avoid repetitiveness (i.e., one-track-mind behavior).
- Agree that it is okay to disagree, and disagree without being disagreeable.
- Avoid “cheap shots” and/or sarcasm.
- Refrain from hostility and antagonism.
- Leave personal agendas and “baggage” at the door; put personal differences aside in the interest of a successful Steering Committee.
- Focus on the problem, not the person.

### **Process Ground Rules Throughout the Stakeholder Process**

- Adhere to the charter.
- Review information and stay informed.
- Work as team players and share all relevant information. Ask if you do not understand.
- Encourage free thinking. Offer mutually beneficial solutions.
- Encourage candid, frank discussions. Be honest and tactful. Avoid surprises.
- Openly express any disagreement or concern with all other Steering Committee members. Focus on the problem, not the person.
- Actively strive to see the other points of view.
- Follow through on commitments.
- Share information discussed in the meeting with the organizations/constituents represented and bring back to the Steering Committee the opinions and actions of your constituencies as appropriate.
- Communicate the requirements of this charter with the organizations you represent to minimize the possibility of actions contrary to the charter.
- Commit to issues in which you have an interest.
- Support and actively engage in the Steering Committees’ decision process.

### **13. PUBLIC PARTICIPATION AT GROUP MEETINGS**

All Steering Committee meetings are open to observation by the public. Members of the public attending the meetings may comment during specified times as noted on the meeting agenda. Public comment periods will be specified in advance. Speakers will have time limits set by the Facilitators to allow as much participation as possible within the allotted time. The Steering Committee will not normally attempt to respond to public or media comments or questions at the meeting in which they were made.

Final summaries of Steering Committee meetings will be available to the public on the Ruckelshaus Institute's website.

### **14. WORKING WITH THE MEDIA**

Steering Committee members are free to speak with the media. When speaking to the media, members must make it clear they are representing themselves and not the Steering Committee at -large.

Concise talking points will be generated by the Steering Committee at the end of each meeting, summarizing the discussion and any decisions made. These talking points may be helpful in communicating with the media, as well as constituents.

### **15. SCHEDULE AND DURATION**

The Steering Committee will meet on alternate Mondays in Cheyenne, Wyoming. The Steering Committee is scheduled to conclude its deliberations on or before April 1, 2015. If additional time is needed this can be considered by the State Engineer and Steering Committee members.

### **16. AMENDMENTS TO THE CHARTER**

Changes to the charter can be made at any meeting of the Steering Committee by consensus.