

Charter of the North Carolina Ecological Flows Science Advisory Board

NCEFSAB Charter (Jan 18, 2011, revised and approved on March 15, 2011)

Background

Session Law 2010-143 (SL 2010-143) mandates that the N.C. Department of Environment and Natural Resources (DENR) develop a basinwide hydrologic model for each of the 17 major river basins in the State, as recommended by the N.C. Environmental Review Commission (ERC), and as described in SL 2010-143. DENR is instructed to develop the 17 hydrologic models based on a set of criteria outlined in section 2, G.S. 143-35, which includes the establishment of a Science Advisory Board.

DENR is required to provide status reports to the Commission on the development of basinwide hydrologic models no later than November 1 of each year, with the final report due on or before Nov 1, 2013.

Purpose of the Ecological Flows Science Advisory Board (EFSAB)

The EFSAB will advise DENR on approaches to characterize the aquatic ecology of different river basins and identify the flows necessary to maintain ecological integrity. The group will focus on methods of determining flows necessary to maintain ecological integrity.

Authority of the EFSAB

The EFSAB is charged with assisting DENR in characterizing the natural ecology and identifying flow requirements, and reviewing reports or studies submitted to DENR for consideration that are relevant to characterizing the ecology of the different river basins and identifying flow requirements for maintenance of ecological integrity.

Composition of the EFSAB

The EFSAB consists of a broad range of stakeholders, identified by Session Law 2010-143, who represent various interests regarding the science of ecological flows in North Carolina. The specific individuals and their respective organizations that carry the credibility and the authority necessary to make this process successful are listed in Appendix A.

The EFSAB shall include representatives from the Divisions of Water Resources and Water Quality of DENR, the N.C. Wildlife Resources Commission, the N.C. Marine Fisheries Commission, and the N.C. Natural Heritage Program. Additionally, other agencies and organizations will be included such as: the United States Fish and Wildlife Service; the National Marine Fisheries Service; representatives of organizations representing agriculture, forestry, manufacturing, electric public utilities, and local governments, with expertise in aquatic ecology

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and habitat; and other individuals or organizations with expertise in aquatic ecology and habitat.

Alternates.

The EFSAB members may be represented by alternates of the member's choosing, whose credentials have been reviewed by Division of Water Resources (DWR) staff. If both the member and alternate attend the same meeting, either the member or the alternate may participate in recommendations or decisions, or proposals of the EFSAB, but not both.

If a member withdraws, DENR may invite a representative to participate to meet the interests as outlined in SL 2010-143.

Responsibilities of EFSAB

Representation.

EFSAB members will represent their expertise in aquatic ecology and habitat. They may also represent (1) themselves, (2) the organizations to which they belong, and/or (3) coalitions of constituent groups, and their expertise in aquatic ecology and habitat.

Attendance.

Each member of the EFSAB or the designated alternate is expected to attend and fully participate in all meetings and commit to the process. In the event that a member and alternate are not able to attend, that member is responsible for providing input via email to the facilitation team, the listerv, or by other means before the next meeting. The EFSAB may choose to revisit decisions based on information provided by members in-between meetings. When inclement weather or personal circumstances render travel impossible, members may participate remotely.

Preparation for Meetings.

The EFSAB members and alternates shall read appropriate materials and arrive prepared to work.

Engaging Constituents.

Members will keep constituents informed. The website of the EFSAB is available for public access and information, to help inform the larger public and will include meeting agendas, meeting summaries, presentations, and studies and other literature that has supported the EFSAB discussions.

Sharing Science.

EFSAB members and alternates are expected to share and apply the best available science in their decision-making processes.

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Agendas.

The EFSAB will help draft meeting agendas for the upcoming meeting with the assistance of the facilitators at the end of each meeting. Comprehensive agendas will be distributed at least one week before each meeting.

Responsibilities of NCDWR staff

NCDWR staff will serve as the primary technical consultants to the EFSAB. NCDWR is also represented by a member who will have input into the EFSAB recommendations, proposals, and decisions. NCDWR staff will post all meeting summaries, presentations, related documents, and meeting notices online at the project web portal at www.ncwater.org

Responsibilities of the Facilitation Team (Natural Resources Leadership Institute (NRLI), and Watershed Education for Communities and Officials (WECO)).

During Meetings.

The primary task of the facilitators is to guide and structure the meetings of the EFSAB based on the operating principles. The responsibilities include managing the meeting agendas, helping the EFSAB stay on task and on process, protecting the ideas of members from attack, and helping members strive toward consensus. The facilitators will not express their views on any substantive issues and will be solely concerned with the process of the group.

Outside of Meetings.

Outside the meetings, the facilitators will work with the NCDWR staff to develop comprehensive agendas, contact and schedule speakers and technical experts requested by the EFSAB, and to write and distribute meeting summaries.

Meeting Summaries.

Notes of each meeting will be recorded by the facilitators and summaries distributed to the members of the EFSAB. Summaries will include an attendance record, a summary of actions taken at the meeting, and other information pertaining to the discussions. Draft summaries will be distributed to all members and alternates prior to the next regular meeting for review. The EFSAB should raise questions about or request changes to the summaries via email before the next regular meeting, or at the beginning of the next regular meeting.

Decision Process

Use of Consensus.

The EFSAB will strive for consensus. Consensus decisions will be taken on advisement by the NCDWR staff in the development of any methods and models. When the group presents proposals for consideration, each member (1 member per organization) will designate his or her level of agreement using the following gradient of agreement or scale:

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Level 1: Endorsement (I like it)

Level 2: Endorsement with a minor point of contention (basically I like it)

Level 3: Agreement with reservations (I can live with it)

Level 4: Stand Aside (I don't like it but I don't want to hold up the group)

Level 5: Block (I cannot/will not support the recommendation, decision, or proposal)

Final recommendations will show at which level individuals or groups supported the final product. The focus for each member will be on making the best recommendations/decisions possible and not simply to reach agreement.

Consensus is reflected when the EFSAB agrees upon an alternative(s) and each participant can honestly say:

- I believe that other participants understand my point of view
- I believe I understand other participants' points of view
- Whether or not I prefer this decision, I support it because it was arrived at openly and fairly, and it is the best solution for us at this time.

If Recommendations Cannot be Reached by Consensus.

If the EFSAB cannot reach consensus on any substantive recommendation or decision, the NCDWR staff will proceed according to their best judgment while keeping the EFSAB apprised of their decisions and direction. Meeting summaries will record the level of agreement reflected by using the 5 finger scale, and qualitative terms with phrases like "substantial disagreement" or "minor disagreement".

Operating Principles for Interaction

Members of the Advisory Board shall seek to participate constructively in meetings. The operating principles are based on four core values of facilitation: encourage full participation, promote mutual understanding, foster inclusive solutions, and cultivate shared responsibility (Kaner, Lind, Toldi, Fisk, & Berger, 2007). The EFSAB has determined the following operating principles for constructive interaction:

- One speaker at a time (minimize side-bar discussions during meetings)
- Make space for others to contribute (be concise)
- Keep to task and topic (adhere to the agenda)
- Listen to others
- Work the problem, not the person
- Speak for yourself and constituents
- Be open to new information
- Members can call time-out at any time

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The EFSAB may revise, add, or eliminate any operating principle with full agreement of the members.

In Event of Disagreement.

When an Advisory Board member disagrees with statements made by another member, then all members are urged to follow the procedure below:

- Ask for clarification
- Search for interests
- Brainstorm on how to take concerns into account by aligning interests
- Move forward

Input From and Information to the Public

The EFSAB is intended to be representative of individuals and organizations with expertise in aquatic ecology and habitat. The members are encouraged to publicize and promote the activities of the EFSAB. DENR will provide a web portal that will include online streaming audio of meetings (when available), meeting summaries, and related documents.

Members of the press are welcome to observe EFSAB meetings. When approached by news media, members will share general descriptions of the purposes of the group and agreements already made. The EFSAB members are free to express their own positions, but will not attribute specific positions to other members. Members will not characterize other members in the media regarding the deliberations of the EFSAB. Press releases describing recommendations of the EFSAB should derive from information in approved meeting summaries or through the DWR public information officer.

Schedule and Duration

The EFSAB will meet at agreed upon times and locations with an expected duration through November 2012.

Changes to the Charter

Changes to the charter can be made at any meeting of the EFSAB through a consensual procedure.

Appendix A: Members of the EFSAB

By Category (July 27, 2013)

1. Agriculture

Dr. Jeff Hinshaw, Extension Fisheries Specialist, NCSU

Alternate – David Williams, NC Division of Soil and Water Conservation

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2. Electric Public Utilities

Hugh Barwick, Senior Environmental Resource Manager – Duke Energy Carolinas
Alternate – Thomas Thompson, Duke Energy Carolinas

3. Environmental Non-Governmental Organizations

Sam Pearsall, Southeast Regional Manager for Land, Water & Wildlife, Environmental Defense
Alternate – Rebecca Benner, The Nature Conservancy

4. Local Governments

Linda Diebolt, Environmental Scientist - Hazen & Sawyer
Alternate - Rusty Rozzelle, Water Quality Program Manager – Mecklenburg County Land Use and Environmental Services

5. NC American Water Works Association (AWWA-WEA)

Jaime Henkels Robinson – Associate Project Manager – CH2M Hill

6. NC Division of Water Resources (DWR)

Fred Tarver, Aquatic Ecology Branch – DWR
Alternate- Ian McMillan, DWR

7. NC Division of Water Quality (DWQ)

Jay Sauber, Chief - Environmental Sciences Section - DWQ

8. NC Environmental Management Commission (EMC)

Vacant

9. NC Forestry Association

Bill Swartley, Program Head – Forestry Non-Point Source Branch, Division of Forest Resources – Dept. of Agriculture
Alternate- Peter Caldwell- USDA Forest Service

10. NC Natural Heritage Program (NHP)

Judy Ratcliffe, NHP

11. NC Marine Fisheries Commission

Dr. Bob Christian, Biology Dept. - East Carolina University
Scott Chappel, NC Division of Marine Fisheries

12. NC Wildlife Resources Commission (WRC)

Chris Goudreau, Special Projects Coordinator – WRC
Alternate- Vann Stancil, Special Projects Coordinator – WRC

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13. US Geological Survey (USGS)

Tom Cuffney, USGS - Raleigh

Alternate - Holly Weyers, Director-NC Water Science Center

14. US Fish and Wildlife Service (USFWS)

Mark Cantrell, Asheville Field Office - USFWS

Alternate - Sarah McRae, Ecological Services Branch - USFWS, Raleigh

15. US National Marine Fisheries Service (NMFS)

Fritz Rohde, Senior Biologist, NMFS

16. Academic Research

Amy Pickle, Nicolas Institute – Duke University

A list of Ecological Flows Science Advisory Board members and alternates who have served the science board in the following capacities but are no longer serving in these roles for various reasons are recognized for their contributions:

- Jessi Baker, NC Division of Marine Fisheries (Alternate to Bob Christian, Eastern Carolina University)
- Donnie Brewer, Environmental Management Commission – Water Quality and Water Allocation Committees
- Cat Burns, The Nature Conservancy (Alternate to Sam Pearsall, Environmental Defense Fund)
- Vernon Cox, NC Dept of Agriculture and Consumer Services (Alternate to Dr. Jeff Hinshaw, NC State University)
- John Crutchfield, Progress Energy Carolinas
- Jim Mead, Division of Water Resources
- Amy Pickle, Environmental Management Commission – Water Quality and Water Allocation Committees
- Steve Reed, Division of Water Resources (Alternate to Jim Mead, Division of Water Resources)
- Arlene Roman, City of Gastonia (Alternate to Linda Diebolt, Local Governments)