

Don Maruska & Company, Inc.

DATE: April 29, 2010
TO: Pinedale-Anticline Working Group members and public
FROM: Don Maruska, consultant to BLM
SUBJECT: **Draft Discussion Materials for Recommendations to PAWG on May 6**

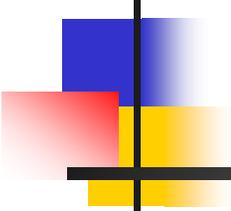
Based upon the discussion with the PAWG and public at the March 25, 2010, meeting and the discussions that Shelley Gregory, Brian Davis, and I have had with the Chairs and liaisons for each of the PAWG Task Groups, I have formulated the attached draft recommendations in a PowerPoint discussion format. The following draft presentation summarizes key points that I will be elaborating upon during the May 6 PAWG meeting and discussing with you to clarify important items.

Thank you for all of the information and perspectives that you've shared about the Pinedale-Anticline Project Area and the public's interests and concerns. It is clear that many people have labored long and hard to identify and address key issues. As the project and circumstances have evolved, the PAWG and Task Groups have gone through multiple iterations. This is an excellent time to give thanks to those who have shared their time, interest, and expertise in the past while also taking steps to enhance productive public engagement and PAWG advice opportunities for the future.

If there are any items that you'd like to discuss in advance of the May 6 meeting, please contact me.

Thanks again,

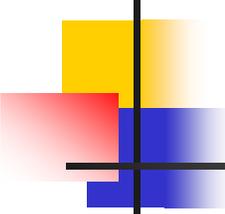
Don Maruska



Moving Forward –
Recommendations for the
Pinedale-Anticline Working Group

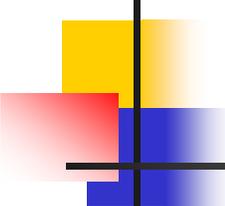
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Draft for PAWG Meeting, May 6, 2010



Background

- The U.S. Bureau of Land Management is committed to engaging stakeholders in collaborative efforts to enhance the agency's management of resources.
- The PAWG and Task Groups have gone through multiple iterations since the beginning of the PAPA in 2000.
- The Federal Advisory Committee Act (FACA) and CFR Title 43, subpart 1784 specify requirements for stakeholder groups constituted to offer advice to BLM management.
- Experiences with other advisory groups in the Western U.S. have yielded valuable key factors for success that can help the PAWG and BLM work together more effectively.
- BLM seeks analysis and recommendations about how to enhance collaborative effectiveness and ensure compliance with relevant laws, regulations, and the SEIS ROD.
- PAWG meeting on March 25 adopted recommendations for a new charter, provided for bylaws to clarify role of Subgroups, and requested analysis and recommendations about existing Task Groups.

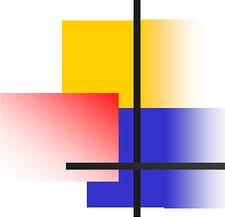


Summary of recommendations

Boost effectiveness of PAWG in advice about monitoring and mitigation for the PAPA, strengthen PAPO performance, and improve public information and understanding.

A. Boost PAWG Effectiveness

1. Target PAWG meetings on key topics that are core to its mission with advance discussion of issues and concerns and encouragement of participation by relevant federal, state, and local agencies.
2. Expand PAWG meetings to 1 to 1.5 days in length to delve more deeply into key topics.
3. Set PAWG quarterly meeting schedule and agendas to track key topics and major activities.
4. Add field trips (~2 per year) to give PAWG and public opportunities to see operators' activities, monitoring and mitigation actions, and address issues.



Summary of recommendations (cont'd)

B. Strengthen PAPO Performance

5. Increase availability and accessibility of monitoring information through the PAPO and applicable State agencies.
6. Encourage greater transparency by contracting agencies about their contracting practices and process of requesting and issuing monitoring and mitigation contracts.

C. Improve Public Information and Understanding

7. Provide updates from DFO at PAWG meetings on responses to PAWG advice, recent developments, and upcoming activities.
8. Provide advance agenda and materials for PAWG meetings to broaden public awareness of key topics and opportunities to submit questions and comments.
9. Post key interim updates about PAPA on websites for PAPO and PAWG to keep PAWG and public informed between PAWG meetings.



Summary of recommendations (cont'd)

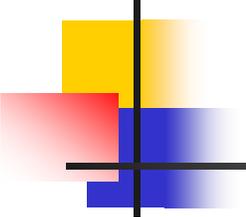
D. Focus Any PAWG Subgroup

10. Create a PAWG Subgroup or Technical Review Team, only if necessary, and with clearly defined mission, expertise, balanced membership, reporting to PAWG, etc.



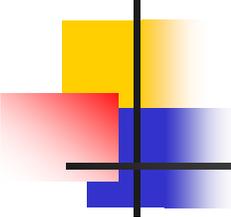
A. Boost PAWG Effectiveness





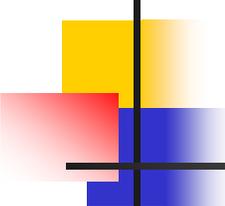
1. Target PAWG meetings on key topics

- a. Focus on key monitoring and mitigation relevant to PAWG's advice to BLM (primarily on habitat issues) – wildlife, water resources, and reclamation.
- b. Have advance discussion at prior PAWG meeting to identify issues and concerns.
- c. Encourage participation by relevant federal, state, and local agencies.
- d. Provide advance materials on the key topics for PAWG and public review and comment



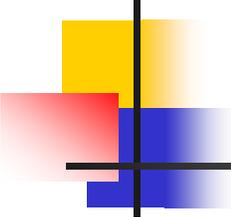
2. Expand PAWG meetings to 1-1.5 days

- a. Enable deeper engagement on key topics.
- b. Provide time for field trips and other learning opportunities for PAWG and public.



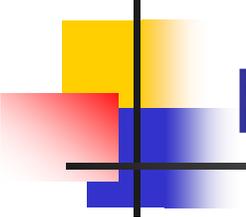
Standing agenda for PAWG meetings

- Call to order
- Approval of summary minutes from prior meeting
- Designated Field Officer report
 - Responses to previously received PAWG advice
 - Recent developments of note on PAPA
 - Updates and upcoming activities
- Key topic for discussion
 - Review of materials posted in advance
 - Discussion (including public comment on topic)
 - Advice from PAWG
- Review PAWG schedule and prep for next PAWG meeting
 - Key topic for next session – identify issues, concerns, and information
- Public comment on other topics



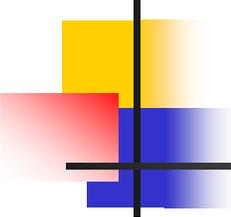
3. Set quarterly PAWG meetings

- a. Track key topics and major activities
- b. Provide sufficient time between meetings for staff, agencies, PAWG, and public to prepare and review information
- c. Build a schedule of key topics – for example,
 - Fall – wildlife
 - Winter – water resources (to sync with Geomatrix report)
 - Spring – BLM to provide summary information of past year activity and projections from Annual Plan and 10-year forecast (e.g. number of new wells and employment projections) with commentary from responsible agencies (WY, County, and local) about air quality, socio-economic, transportation, and other concerns (consider informal workshop format including information from operators and group Q&A and comment)
 - Summer – reclamation and cultural and historic resources



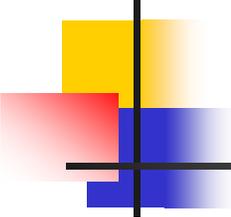
4. Add field trips to see management processes in action

- a. Target roughly two half-day field trips per year in conjunction with PAWG meetings and open to public.
- b. Rotate focus on key areas of key interest to public for which a field trip adds distinctive value, for example, wildlife, water resources, reclamation, and, perhaps, cultural.
- c. Encourage Q&A dialogue with operators and relevant agencies and identification of any continuing concerns.



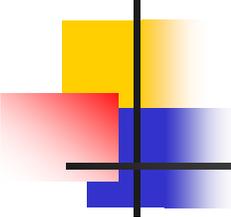
B. Strengthen PAPO Performance





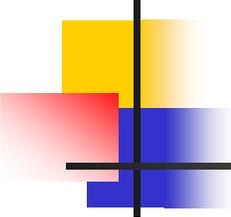
5. Increase availability of information

- a. Focus PAPO management attention on monitoring and mitigation information and data management.
- b. Make information available on a timely basis through the PAPO website.
- c. Improve usability of the information (e.g. request data steward/GIS specialist for maps, etc.)



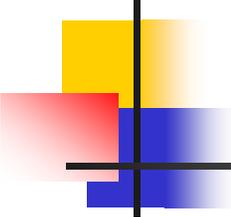
6. Encourage greater transparency

- a. Request contracting through agencies to post Scopes of Work and Requests for Qualifications regarding monitoring and mitigation contracts on the web in advance for public review and comment.
- b. Invite agencies with primacy for a topic to provide reports through the PAWG about models and methodologies used and adequacy for ensuring monitoring and mitigation as required by the SEIS Record of Decision and other applicable federal, state, and local regulations.



D. Improve Public Information

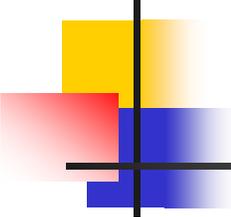




7. Provide updates from DFO

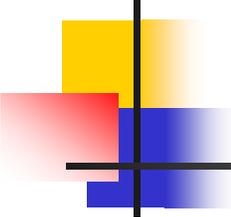
Include a standing agenda item at PAWG meetings for the Designated Federal Officer (typically Field Office Manager) to provide

- a. Responses to previously received PAWG advice
- b. Recent developments of note on PAPA
- c. Updates and upcoming activities



8. Provide advance agenda and materials

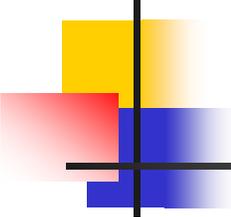
- a. Use time available between PAWG meetings for staff and relevant agencies to prepare agenda packets so that the PAWG has time and opportunity to review issues in advance.
- b. Inform media and public and provide opportunities for public to submit questions and comments.



9. Post key interim updates on web

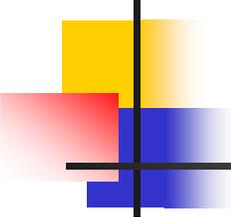
In order to provide timely updates about the PAPA monitoring and mitigation activities between PAWG meetings:

- a. Have staff track key activities and updates.
- b. Post summary of items (e.g. monitoring and mitigation reports, contracts that agencies have noticed for bid, etc.) on the PAPO and PAWG web sites.



D. Focus Any PAWG Subgroup

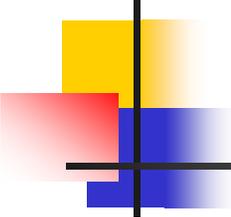




10. Create a Subgroup, if necessary

- a. Limit to situations where
 - (i.) BLM has primary regulatory or management responsibility **and**
 - (ii.) topic is not regularly addressed by enhanced PAWG role *or*
 - (iii.) special short-term expertise is needed.

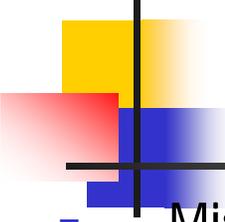
- b. Follow template to establish clear mission, expertise needed, appropriately balanced membership, and reporting to PAWG to ensure compliance with FACA and BLM regulations and support effectiveness.



It's time for Task Groups to change

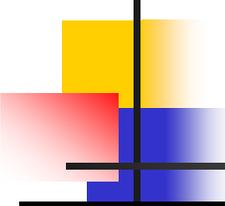
- Task Groups arose to address pressing concerns at earlier stages of the PAPA and the absence or limited effectiveness of alternative ways to address them.
- Many talented Task Group members expended extensive time and effort and produced some products and deserve recognition and appreciation for their efforts. [See review of Task Groups]
- But even Task Group members express serious frustrations:
 - Unclear objectives
 - Unbalanced membership
 - Infrequent meetings
 - Mixed involvement of agencies having primacy on topic
 - Uncertain rationale for continuing given evolution of PAPA
 - Lack of clear connection with PAWG
 - Uncertain impact of work
- And procedures need to be consistent with FACA and BLM regulations:
 - Report to PAWG
 - Must have balance of relevant interests/expertise

Continued use of multiple Task Groups is a symptom – not a solution.



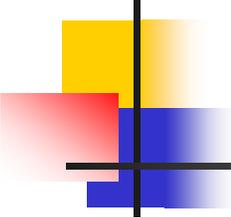
Template for _____ Subgroup

- Mission:
 -
 -
 -
- Expertise/interests needed and # of members:
- Term for Subgroup and membership: [BLM staff are not members]
- Selection of Members and Election of Chair:
[include PAWG member on Subgroup]
- Meeting schedule:
- Process for reporting to PAWG:



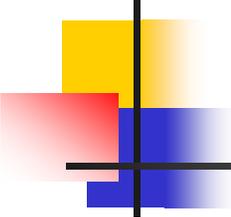
Summary analysis of Task Groups

<i>Current Task Group</i>	<i>BLM has a lead responsibility?</i>	<i>Enhanced PAWG role doesn't regularly address?</i>	<i>Special short-term expertise needed?</i>	<i>Action</i>
Wildlife	Yes, this is a key habitat mgmt. issue	No, this is one of key topics for in-depth attention	No	Integrate into PAWG as one of key topics
Water resources	No, DEQ, EPA, and others are lead	No	No	Integrate into PAWG as one of key topics
Reclamation	Yes	No, this is one of key topics for in-depth attention	Perhaps, will vary as specific needs arise	Integrate into PAWG but monitor for future need for Subgroup



Summary analysis of Task Groups (cont'd)

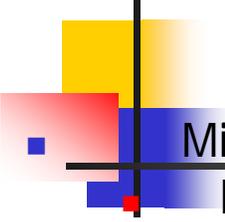
<i>Current Task Group</i>	<i>BLM has a lead responsibility?</i>	<i>Enhanced PAWG role doesn't regularly address?</i>	<i>Special short-term expertise needed?</i>	<i>Action</i>
Cultural and historic resources	Yes	Yes	No, ongoing	Form a Cultural Subgroup
Air quality	No, DEQ is lead	No, this topic is one for review with Annual Plan	No, DEQ has continuing responsibility	Address in PAWG with DEQ lead
Socio-economic	No, state and local agencies have lead	No, this topic is one for review with Annual Plan	No, State and County have ongoing responsibility	Address in PAWG with State/County lead



Summary analysis of Task Groups (cont'd)

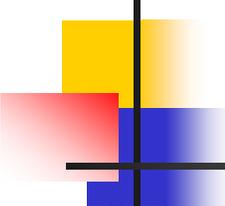
<i>Current Task Group</i>	<i>BLM has a lead responsibility?</i>	<i>Enhanced PAWG role doesn't regularly address?</i>	<i>Special short-term expertise needed?</i>	<i>Action</i>
Transportation	No, WYDOT and County have lead responsibilities	No, this topic is one for review with Annual Plan, but infrastructure is already in place,	No, State and County have ongoing responsibility	Address in PAWG with State/County lead

Template for Cultural & Historic Resources Subgroup -- *draft*



- Mission:

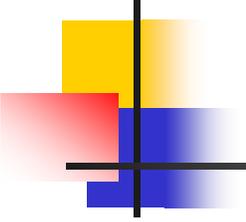
- Identify key monitoring and mitigation issues for the PAPA
 - Review proposed protocols and processes for use in the PAPA
 - Report to PAWG with recommendations for its consideration
 - [Refer non-PAPA issues to “Friends” groups or NGOs for pursuit]
- Expertise/interests needed and # of members: OCTA, local historian, county historic preservation, industry rep, prehistoric, archaeologist, paleontologist, SHPO rep (but these can be flexible, e.g. OCTA rep only needed to deal with trails issues) – 10 members
- Term for Subgroup and membership: 3 years, with annual review by PAWG to assess direction and continued role of Subgroup
- Selection of Members and Election of Chair: [include PAWG board member]
- Meeting schedule: as needed to meet issue deadlines (~2-4 times per year)
- Process for reporting to PAWG: submit any written reports with proposed recommendations in advance of PAWG meetings with Subgroup Chair and PAWG member to comment at PAWG meeting

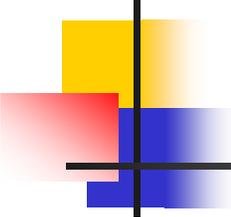


Communication Guidelines for Effective Subgroups

1. Develop clarity about mission for each Subgroup and specific examples of the distinction between advice role as described in CFR 43.1784.6-1(b) and BLM management responsibilities to avoid conflict about roles of members and BLM staff.
2. Work through the Subgroup chair to raise issues, offer recommendations, or make requests.
3. Give time for Subgroup chair to respond before sidestepping or moving up the chain.
4. Provide responses on inquiries to all Subgroup members and a log available at a web site or other location for interested members of public to review.
5. Commit to a spirit of mutual respect and meaningful collaboration.
6. Serve as a channel of accurate information to interested constituencies and the public.
7. Prepare summaries of meeting discussions and notation of specific recommendations.
8. Address at least annually how the Subgroup and BLM staff are working together and suggested improvements.

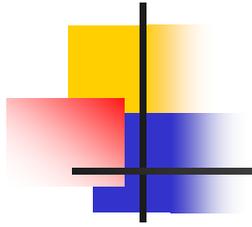
Membership Application for PAWG Subgroup

- 
1. Please specify the interest or expertise category you are representing (as identified for the Subgroup).
 2. Describe the knowledge, skills, or experience that qualify you to advise BLM on the topics of the Subgroup's Mission.
 3. What experience do you have in working in an advisory role with a collaborative approach?
 4. Do you support the Communication Guidelines established for the Subgroup?
 5. Are you available to attend the planned Subgroup meetings?
 6. Please add any other comments relevant for consideration by BLM in making its recommendations for membership and the PAWG's selection and approval.



Next Steps

1. Thank members of the Task Groups for their service.
2. Implement recommendations.
3. Adopt procedures for forming a Subgroup.
4. Form Cultural and Historic Resources Subgroup.
5. Set schedule for next PAWG meeting.
6. Discuss issues and concerns of interest for the next key topic.
7. Communicate steps to enhance PAWG's effectiveness with the public.
8. Do a quick review at the end of each PAWG meeting to discuss what worked well, what could be improved, and requests for future meetings.



Thank you!

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