

PROCESS FOR FILLING MRRIC STAKEHOLDER MEMBER VACANCIES

Background:

1. The twenty-eight stakeholder representatives on the Missouri River Recovery Implementation Committee (MRRIC) are selected by the US Army Corps of Engineers (Corps) Northwestern Division (NWD) Commander¹ to serve for three year terms. To avoid having all twenty-eight stakeholder members' terms expire at the same time, lots were randomly drawn at the initial MRRIC meeting to appoint one-third of the stakeholder members to one-year terms, one-third to two-year terms, and one-third to three-year terms². Thereafter, all stakeholder members will be appointed for three year terms. In this manner, one-third of the stakeholder members' terms will expire each year.
2. There are sixteen stakeholder interest categories that may have a maximum of two representatives per category. The maximum number of stakeholder members on the MRRIC is twenty-eight³. At any time, there are at least four stakeholder "slots" that cannot be filled. All interest categories will be represented by at least one individual.

Current Status:

1. Stakeholder members whose terms expire on **30 September 2010** (and the categories they represent) are:

	Stakeholder Member	Interest Category
1	Vicki Marquis	Conservation Districts
2	Marcel Kramer	Conservation Districts
3	Jason Skold	Fish and Wildlife
4	Lanny Meng	Flood Control
5	Buzz Mattelin	Irrigation
6	David Schwarz	Major Tributaries
7	Kenneth Reeder	Recreation
8	John Pozzo	Water Quality
9	David Shorr	Waterway Industries

Note: The above table will be updated annually.

¹ As delegated by the Assistant Secretary of the Army for Civil Works in the Implementation Guidance for WRDA 2007 Section 5018, dated 1 July 2008.

² Missouri River Recovery Implementation Committee Charter, 1 July 2008, page 9.

³ Missouri River Recovery Implementation Committee Charter, 1 July 2008, page 8.

2. Stakeholder Categories and Year of Term Expiration:

Interest Category	Term Expires	Term Expires
Agriculture	2011	2011
Conservation Districts	2010	2010
Environmental / Conservation Orgs	2012	2012
Fish and Wildlife	2010	2011
Flood Control	2010	2011
Hydropower	2012	
Irrigation	2010	
Local Government	2012	2012
Major Tributaries	2010	
Navigation	2011	
Recreation	2010	2011
Thermal Power	2012	2012
Water Quality	2012	2010
Water Supply	2011	2012
Waterway Industries	2012	2010
At Large	2011	2011

Note: The above table will be updated annually.

Process to Fill Vacancies:

Definitions:

Term Vacancies – those vacancies created by the expiration of the current stakeholder representative’s term.

Out-of-Cycle Vacancies – those vacancies created by the exit of a stakeholder representative who is unable to fulfill his or her term and who does not have an approved alternate.

1. Process to Fill “Term” Vacancies: The application process described in the Charter⁴ and used by the Corps for initial stakeholder member appointments will be followed for all term vacancies:

- a. **Vacancies Compiled:** The MRRIC Chair will forward to the NWD Commander a list of stakeholder members whose terms are to expire and which of those members wish to remain on the MRRIC (see **Streamlined Process for Existing Members**, below) as well as any “out-of-cycle” vacancies that currently exist by **28 May**.

⁴ Missouri River Recovery Implementation Committee Charter, 1 July 2008, page 10.

- b. **Notice:** Vacant stakeholder categories, including those now filled by existing members, will be advertised by the Corps in the following: the Federal Register, a press release and public notices advertised in newspapers throughout the basin. The Corps will also disseminate the notice through the Corps email lists and to Committee members to circulate among their constituents. Vacant stakeholder categories include all of those categories with members whose terms are to expire on 30 September and the four category "slots" that are not filled. The Federal Register Notice and other outreach materials will make clear that the law does not allow the federal government to reimburse MRRIC members for travel expenses or provide compensation for their time. Vacancies will be advertised for 30 days, beginning on **15 June**.
- c. **Applications Accepted:** Interested parties that are **NOT Existing Members** (see **Streamlined Process for Existing Members**, below) will submit applications to the NWD Commander along with endorsement letters by **30 July**.
- d. **MRRIC Recommendation:** Applications from interested parties will be forwarded to the MRRIC for the purpose of providing a recommendation of appointment following its decision-making process⁵. The **Streamlined Process for Existing Members** merges here. MRRIC's review process (see Attachment A) will be completed by **27 August**.
- e. **Selection Panel Determination:** To ensure balance and diversity of views on the MRRIC, the Selection Panel⁶ will select at least one representative for each stakeholder interest category on the Committee. If there are no sitting members or qualified applicants (including renewing members) for an interest category, the Corps will notify the Committee and re-advertise that interest category as vacant as outlined in 3c, "Process to Fill "Out-of-Cycle" Vacancies", below.
- f. **Selection Process and Criteria:** The application review process will be completed by the Selection Panel by **17 September**. Selection criteria that will be used by the Selection Panel is:
 - ◆ Ability to commit the time required;

⁵ Missouri River Recovery Implementation Committee Charter, 1 July 2008, page 10.

⁶ Selection Panel is currently made up of senior members of the Corps and USFWS: For the Corps, the Chief of Planning, Environmental Resources, and Fish Policy and Support Division, Northwestern Division; the Chief of Missouri River Water Management Division, Northwestern Division; Deputy Omaha District; Deputy Kansas City District. For the USFWS: the Deputy Regional Director, or designee, USFWS Region 6 Mountain-Prairie Region

- ◆ Commitment to make a good faith (as defined in the Charter) effort to seek balanced solutions that address multiple interests and concerns;
 - ◆ Agreement to support and adhere to the approved MRRIC Charter and Operating Procedures;
 - ◆ Demonstration of a formal designation or endorsement by an organization, local government, or constituency as its preferred representative;
 - ◆ Demonstration of an established communication network to keep constituents informed and efficiently seek their input when needed; and
 - ◆ Ability to contribute to the overall balance of representation on the MRRIC.
- g. **Notification of Appointment:** Upon completion of the application review and selection process, the Corps will send a letter to those appointed. Applicants who are not selected will be notified either in writing or by phone. All applicants will be notified by **1 October**.

2. Streamlined Process for Existing Members:

- a. **Renewal Letter Required:** Incumbent stakeholder members wishing to be re-appointed to the MRRIC do not need to re-submit an application⁷. However, incumbent stakeholder members wishing to have their appointment renewed **must** submit a renewal letter to the NWD Commander by **30 July**. The renewal letter **must** reaffirm that the stakeholder member:
- ◆ Is able to commit the time required to participate fully in the Committee;
 - ◆ Is committed to making good faith (as defined in the Charter) effort to seek balanced solutions that address multiple interests and concerns;
 - ◆ Agrees to support and adhere to the approved MRRIC Charter and Operating Procedures;
 - ◆ Can demonstrate a formal designation or endorsement by an organization, local government, or constituency as its preferred representative;
 - ◆ Can demonstrate an established communication network to keep constituents informed and efficiently seek their input when needed;
 - ◆ Is able to contribute to the overall balance of representation on the MRRIC; and

⁷ Missouri River Recovery Implementation Committee Charter, 1 July 2008, page 10.

- ◆ Understands that the law does not allow the federal government to reimburse MRRIC members for travel expenses or provide compensation for their time
- b. **Endorsement Letter Required:** Letters of endorsement from the constituent group(s) the stakeholder member intends to represent for the new 3 year term **must** accompany the renewal letter. Valid endorsement letters will be dated no more than 90 days (May 1) before the member application deadline. The Corps may verify constituents' support of the applicant.
- c. **MRRIC Recommendation:** Renewal letters and letters of endorsement will be compiled with the applications received in **1c**. The **Streamlined Process for Existing Members** merges with the selection process at **1d**.

3. Process for Filling "Out-of-Cycle" Vacancies:

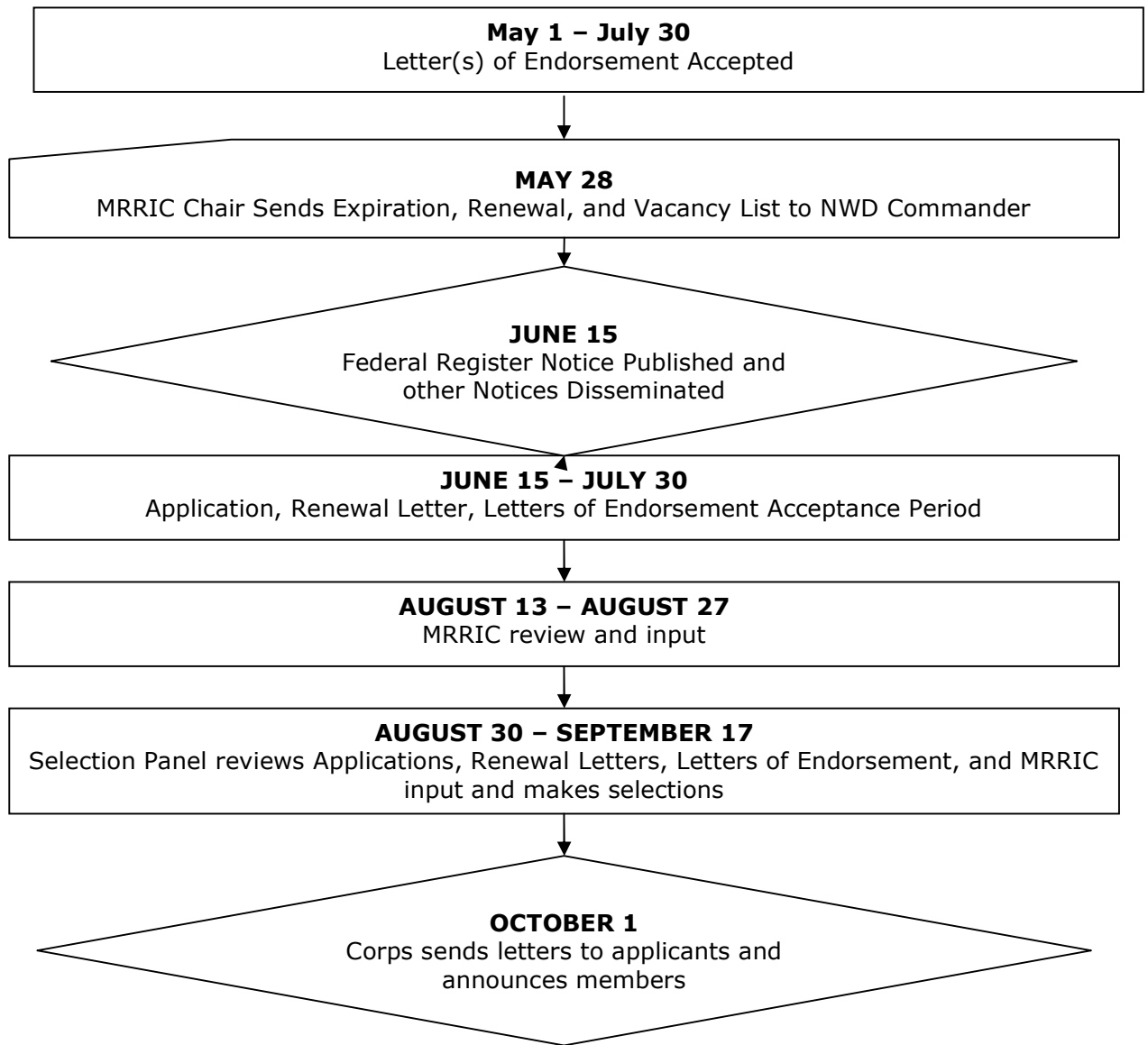
- a. **Permanent Absence Before End of Term:** In accordance with the Charter provisions, in the instance of the permanent absence of a stakeholder member before their term is completed the alternate member will fill the remainder of the original member's term⁸. Upon assuming primary membership the member will notify the Committee Chair. The member will identify a new alternate for that interest category and inform the Corps' MRRIC Project Manager. The new alternate must submit an application for membership in accordance with the Charter.
- b. **"Out-of-Cycle" Vacancies:** If a stakeholder member becomes unable to serve and has not appointed an alternate then there is an "out-of-cycle" vacancy.
- c. **Process to Fill "Out-of-Cycle" Vacancies:** Any "out-of-cycle" vacancy (including any term vacancies that were not filled (see Section 1 paragraph e: "Process to Fill Term Vacancies")), will be advertised by the Corps in the Federal Register and through public notices throughout the basin. Vacancies will be advertised for 30 days.
 - To ensure every effort is made to have at least one representative for each stakeholder category, vacancies will be re-advertised a maximum of three times (for a total of 90 days).
 - In the event that no qualified applicant is found for an interest category and to ensure the maximum number (28) of stakeholder representatives is seated on the Committee, the Corps will review qualified applicants from the interest categories with one representative and select a second representative for one of the interest categories.

⁸ Missouri River Recovery Implementation Committee Charter, 1 July 2008, page 10

- If selected to fill a vacancy created "out-of-cycle", the selected qualified applicant will serve for the remainder of the vacated term.
- If selected to fill a term vacancy, the selected qualified applicant will serve until the end of that term (3 years).

Note: to avoid the need to advertise vacancies out-of-cycle, it is important that members appoint alternates.

Timeline for 2010 Process:



Attachment A. Proposed MRRIC Review Process

Once the applications and renewal letters are received, the Corps project manager will compile a list of applicant names and interest categories applicants represent and forward the list to the Committee.

Individual Committee members will complete an on-line survey with two options:

1. to recommend all applicants or
2. to choose which individual applicants they wish to recommend.

The survey will include the option to abstain from making a yes or no recommendation.

Survey responses will be compiled by the Corps and the input used by the Selection Panel during their deliberation.