Sage Grouse Rulemaking Advisory Committee
Operating Principles (DRAFT)

For the advisory process to operate smoothly, it is helpful to agree at the outset on the purpose of the effort and the procedures the group will use to govern its work.

I. PURPOSE OF THE RULE ADVISORY COMMITTEE

Governor Kitzhaber requested, and the LCDC agreed to initiate a rulemaking process to establish a safe harbor that ensures protection of sage grouse in eastern Oregon. The rulemaking process includes a rules advisory committee (RAC) to assist the department and commission to amend OAR chapter 660, division 23, the Goal 5 rule". The rulemaking process is expected to conclude with an LCDC adoption of the rule at their July 24, 2015 meeting.

State and LCDC policy requires that the public be involved in the drafting of rules. State law (ORS 183) encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule, and authorizes agencies to appoint an advisory committee that will represent the interests of persons likely to be affected by the rule, or use any other means of obtaining public views that will assist the agency in drafting the rule.

LCDC has established this Sage Grouse Rules Advisory Committee (committee) to assist the Department of Land Conservation (DLCD) in drafting proposed rules for consideration by LCDC, and to achieve the requirements of law described above. By law, if an agency appoints an advisory committee for consideration of a rule, the agency must seek the committee's recommendations on whether the rule will have a fiscal impact, what the extent of that impact will be and whether the rule will have a significant adverse impact on small businesses.

II. PARTICIPATION

Membership. The members of the committee were chosen because of the variety of their interests, land use expertise, and willingness to work together in a collaborative, consensus process. While most members of this committee represent or have represented particular interests, organizations or local governments, in order to foster creative problem solving members are encouraged to voice their individual viewpoints and ideas.

Attendance at Meetings. Members are expected to make a good faith effort to attend all meetings. It is expected that the group will meet approximately once a month until a final recommendation is made to LCDC. Because of the collaborative nature of the meetings, it is important to have the members attend every meeting so that progress can be continued with the same group. Members may not appoint an individual to represent them or their interests (an alternate) as a member of the committee in the committee meetings. However, if members are unable to attend a meeting, they are encouraged to

arrange for the attendance of an alternate to observe the meeting and, if requested, to provide comments to the committee at such time as public comment is requested by the Chair. Members may also provide comment to the Department prior to meetings; such comments will be circulated at or before the meeting (depending on when received).

Withdrawal from the committee: Any member may withdraw from the committee at any time. Communication about the reasons for withdrawing, if related to the process, would be appreciated. Good faith provisions (see below) apply to those who withdraw.

III. ORGANIZATIONAL STRUCTURE

Members. The members of the committee are working together to achieve a mutually acceptable outcome that satisfies, to the greatest degree possible, the requirements of the law (HB 2254) and the interests of those affected by the rules. All committee members agree to:

1. Attend meetings and follow through on promises and commitments;
2. Bring up concerns for discussion at the earliest point in the process;
3. Share all relevant information that will assist the group in achieving its goals;
4. Keep their organizations informed of potential decisions and actions;
5. Support the eventual product if they have concurred in it; and
6. Concur in decisions about the committee process, including overseeing the implementation of the operating principles.

Facilitator. Jamie Damon, from Oregon State will serve as facilitator for the RAC

LCDC. Two LCDC commissioners will participate on the RAC. Committee members recognize that final decision-making authority regarding the committee's recommendations rests with LCDC. LCDC will consider all elements of the proposals that are recommended by the committee. For any specific elements which have not received consensus agreement, LCDC will also consider the opinions expressed by individual members of the committee. LCDC may also consider separate staff recommendations as well as testimony from members of the public.

Governor's Office. The Governor's Natural Resource Policy Advisor will, as his time permits, attend committee meetings and participate in the committee discussion. The Governor's office is committed to achieving the outcomes of this rulemaking process.

DLCD Staff. The committee will have assistance from DLCD staff who will attend all meetings. While DLCD staff may sit at the table and participate in the committee meetings, they are not Committee members. Legal questions that need to be addressed will go through LCDC's legal counsel.

Other Agency Staff. Staff members of named state agencies are appointed to the committee to represent the interests and responsibilities of those agencies. Agency staff members are bound by this agreement in the same manner as other committee members.

Subcommittees. As necessary, the department may choose to form subgroups of the committee as needed for certain anticipated tasks. Subcommittee members may develop draft products and make recommendations to the committee. Subcommittees will not make decisions on behalf of the committee. Any committee member can be a member of a subcommittee. The department may also invite others to participate in subcommittee meetings when particular topics require expertise that is not available on the current committee.

IV. MEETINGS

Committee meetings are public meetings under Oregon's open meeting laws. DLCD expects that a wide range of public perspectives will be voiced through the involvement of the committee members. Members of the public who wish to make their opinions known to the committee will be encouraged to submit written comments on the work of the committee, which will then be distributed to all members for consideration. The committee chair may also provide time for oral public comment at the end of committee meetings.

Agendas. Proposed meeting agendas will be drafted by DLCD and circulated in advance of meetings, and agreed to or revised at the beginning of each meeting.

V. DECISION-MAKING AND COMMITMENTS

Consensus. The committee will strive to operate by consensus. Consensus is defined as “all committee members can live with the recommendation or decision.” All recommendations and materials will be reviewed and discussed by the committee before being forwarded to LCDC for consideration.

Absence of Consensus. If consensus cannot be reached the committee will be asked to articulate areas of agreement and disagreement and the reasons why differences continue to exist. If the committee chooses to articulate areas of agreement and disagreement, members representing the different perspectives on specific issues will be asked to prepare language reflecting their views, or have DLCD staff prepare statements for their approval that reflects their views. The statements should clearly identify the issues and information needs and uncertainties. In addition, those members that support each perspective will be identified.

Decision Making. Decisions will be made by consensus of those committee members present at a meeting, except for concurrence on the final products where consensus will be sought from all committee members. If the members present at a meeting reach consensus on a major outcome or final product, the department will convey the results to those absent from the meeting and assess their ability to agree. Consensus will not be achieved until all members have confirmed agreement or their willingness to "live with the recommendation or decision." However, the department will forward opinions expressed in reports reflecting differing perspectives from the committee.

VI. SAFEGUARDS FOR THE MEMBERS

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Good Faith. All members agree to act in good faith in all aspects of the collaborative effort. As such, members will consider the input and viewpoint of other participants and conduct themselves in a manner that promotes joint problem solving and collaboration. Acting in good faith also requires that:

1. Specific proposals made in open and frank problem solving conversations not be used against any other member in the future;
2. Personal attacks and prejudiced statements are not acceptable;
3. Individuals not represent their personal or organization's views as views of the Committee;
4. Individuals express consistent views and opinions in the Committee meetings and in other forums, including contacts with the press; and
5. Individuals with process concerns will raise them in the group and not via the press and/or other public forums.

Rights in Other Forums. Participation in the committee process does not limit the rights of any member. Members will make a good faith effort to notify one another in advance, if another action outside the process will be initiated or pursued, which could affect the proposals, recommendations, or agreements being discussed.

Press/Other Public Forums. All committee members agree to refrain from making negative comments about or characterizing the views of other committee members in contacts with the press. They also agree not to knowingly mischaracterize the positions and views of any other member, or their own, in public forums.

VII. PROCESS SUGGESTIONS/GROUND RULES

Committee members agree to apply the following ground rules:

- Focus on the task at hand – much to accomplish; Stick to the agenda
- One person at a time – use tent cards
- Allow for a balance of speaking time – respect time limits
- Be civil
- Be tough on issues and questions, not on people and organizations
- No personal attacks
- Listen with respect (two ears/one mouth)
- Keep side conversations to a minimum
- Turn off cell phones or put them in the non-ring mode during formal meeting sessions

And consider the following process suggestions:

- Seek to learn and understand each other's perspective
- Encourage respectful, candid, and constructive discussions
- Seek to resolve differences and reach consensus
- As appropriate, discuss topics together rather than in isolation

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- Make every effort to avoid surprises

VIII. SCHEDULE

In developing its recommendations, the committee will meet every three to four weeks. Any appointed subcommittees will meet as often as is necessary to make their recommendations to the full committee.

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