

# PUBLIC PARTICIPATION PLAN

FOR THE SECOND INCREMENT - UPPER PLATTE BASIN-WIDE PLAN  
DEVELOPMENT (2016 – 2019)

March 2016

## Public Participation Plan Development Committee Participating Organizations

### Irrigation Districts

Central Nebraska Public Power and Irrigation District  
Nebraska Public Power and Irrigation District  
Pathfinder Irrigation District

### Natural Resources Districts

Central Platte                  South Platte                  Twin Platte  
North Platte                  Tri-Basin

### State of Nebraska

Department of Natural Resources

## Public Participation Plan Development Committee

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*Nebraska Public Power District*

*John Berge*

*North Platte Natural Resources District*

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*Ann Dimmitt*

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*Central Platte Natural Resources District*

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*North Platte Natural Resources District*

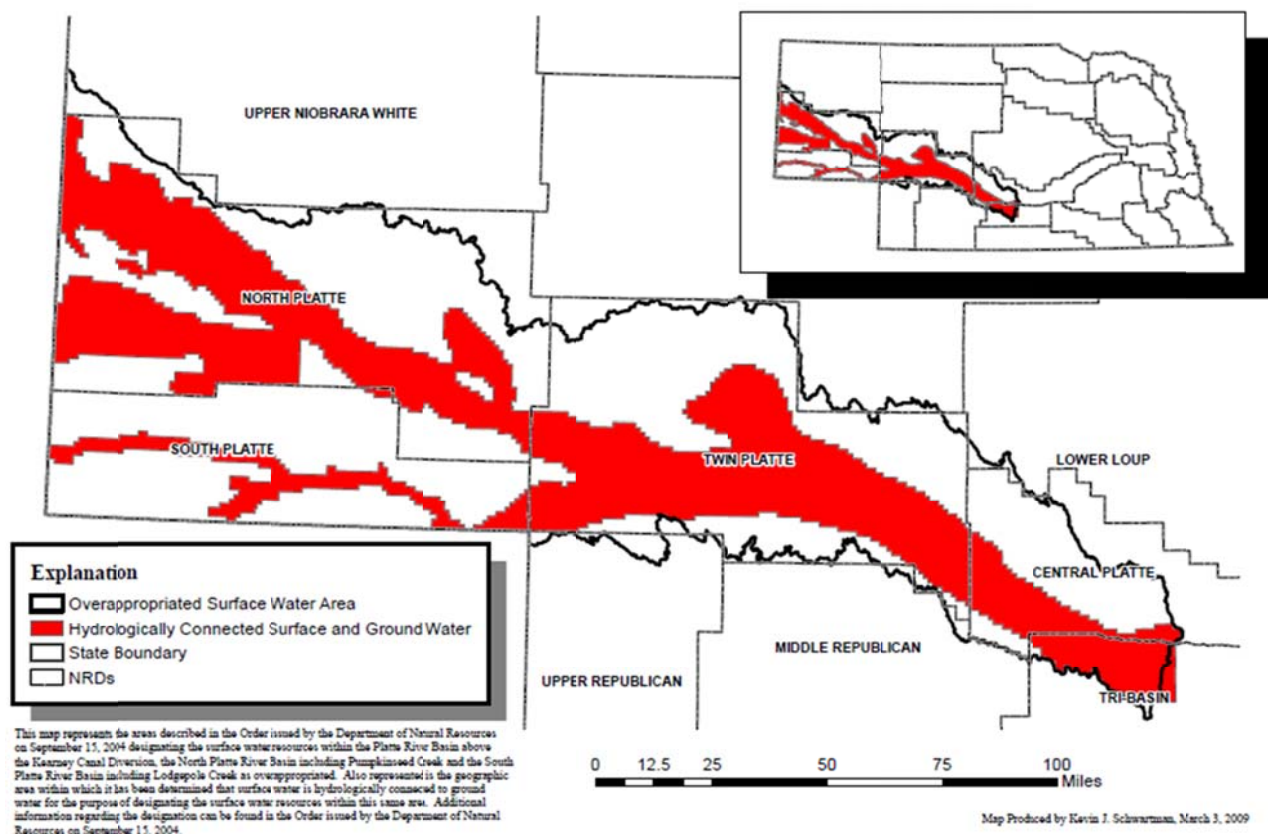
*Nancy Shank, PhD, MBA, Acting Director of the University of Nebraska Public Policy Center facilitated the committee meetings and compiled this plan.*

## Introduction

The Upper Platte Basin Public Participation Plan Development Committee, representing surface and groundwater interests, created this *Public Participation Plan* to guide the process for developing the second increment basin-wide plan that must be completed by September 2019. The *Public Participation Plan* is intended to provide an overall vision for how the basin-wide planning process will be approached. The *Public Participation Plan* is meant to provide guidance that may be modified, as needed.

Nebraska's Ground Water Management and Protection Act requires basin-wide planning when an area has been found to be overappropriated (*Nebraska Revised Statutes* § 46-715; see Appendix A for § 46-715 through 46-719). The Upper Platte Basin was determined to be overappropriated by the Nebraska Department of Natural Resources and a basin-wide plan was adopted in 2009. The heavy black outline in Figure 1 denotes the overappropriated surface water area. The red shaded area denotes the hydrologically connected groundwater area subject to the overappropriated designation.

Figure 1. Upper Platte Basin planning area



During the ten years following adoption of the basin-wide plan, the Department of Natural Resources and natural resources districts are required to conduct a technical analysis to determine the progress toward meeting the goals and objectives of the plan and examine “(A) available supplies and changes in long-term availability, (B) the effects of conservation practices and natural causes, including, but not limited to, drought, and (C) the effects of the plan on reducing the overall difference between current

and fully appropriated levels of development” (*Neb. Rev. Stat. § 46-715(5)(d)(iii)*). The results of this analysis will determine if a subsequent increment of the plan is needed.

It is expected that a second increment will be necessary in order to meet the goals and objectives of the Upper Platte basin-wide plan and to reduce the difference between current and fully appropriated levels of development. Each of the Upper Platte Basin natural resources districts has individual integrated management plans that were adopted in 2009, and that must be consistent with the Upper Platte basin-wide plan. In order to allow sufficient time for the individual integrated management plans to be revised accordingly, the target goal for the completion of the second increment basin-wide plan April 2019, although the deadline is September 2019.

Basin-wide plans, according to the statute, are to be jointly developed by the Department of Natural Resources and each natural resources district

...after consultation and collaboration with irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, canal companies, and municipalities that rely on water from within the affected area and that, after being notified of the commencement of the plan development process, indicate in writing their desire to participate in such process. In addition, the department or the affected natural resources districts may include designated representatives of other stakeholders. (*Neb. Rev. Stat. §46-715(5)(b)*)

## **Development of the Public Participation Plan**

To guide the upcoming second increment planning process, a Public Participation Plan Development Committee met from August 2015 through January 2016. The committee’s goal was to create a robust, understandable, transparent approach for the second increment planning. In the course of developing the Public Participation Plan, the committee did not hold discussions related to the goals, objectives, or other substantive aspects of the Basin-Wide Plan. This *Public Participation Plan* is the result of that effort.

The *Public Participation Plan* may be used by:

- Participants in the planning process as a reference guide
- Facilitators and basin-wide planning consultants as a roadmap
- General public to understand the project and their role in it
- Other interested parties

The remainder of the *Public Participation Plan* describes the parties involved in planning, the decision making structure, the planning process and timeline, governance guidelines, and communications strategies.

## Participants in Developing the Basin-Wide Plan

### Statutory Requirements

In Nebraska, parties are assigned specific roles and responsibilities in the basin-wide planning process. Nebraska statute describes four categories of types of parties and alludes to general public participation (Table 1). Parties required or invited to participate in the planning process become part of the group asked to reach agreement on the basin-wide plan. Depending on whether agreement is reached, there are two different routes:

- If all parties **come to agreement**, the Department of Natural Resources and the natural resources districts are directed to adopt the basin-wide plan.
- If all parties **cannot reach agreement**, the Department of Natural Resources and the natural resources districts work together to develop and adopt the basin-wide plan. If this is the case in the Upper Platte planning process, to the extent possible, the Department of Natural Resources and the natural resources districts will leave areas of consensus intact and focus their efforts on resolving only the disputed issues.

**Table 1. Basin-wide planning roles and responsibilities**

Parties	Requirement for Participation	Responsibilities in Basin-Wide Planning	Role in Reaching Agreement
Department of Natural Resources	Required	Jointly responsible with natural resources districts for developing the basin-wide plan  Must adopt the plan for it to be valid <sup>1</sup>	Party to agreement decision
Natural resources districts	Required	Jointly responsible with the Department of Natural Resources for developing the basin-wide plan  Must adopt the plan for it to be valid <sup>2</sup>	Party to agreement decision

<sup>1</sup> If the Department of Natural Resources and the natural resources districts are unable to adopt a mutually-agreed upon plan, the statute provides for involvement by the Interrelated Water Review Board.

<sup>2</sup> Ibid.

<b>Parties</b>	<b>Requirement for Participation</b>	<b>Responsibilities in Basin-Wide Planning</b>	<b>Role in Reaching Agreement</b>
Irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, canal companies, and municipalities that rely on water from within the affected area	Required to be invited, but not required to participate	Notified at commencement of the planning process and required to indicate, in writing, desire to participate in the process	Party to agreement decision, if they have indicated, in writing, desire to participate in the process
Designated representatives of other stakeholders	May be invited	May be included in the planning process by the Department of Natural Resources or participating natural resources districts	Party to agreement decision
General public	Public hearings are required at the end of the planning process	None	Not a party asked to reach agreement

### **Participants in the Upper Platte Basin-Wide Planning Process**

The Upper Platte Basin-Wide Planning process will comply with statutory requirements using the following approach to designate representatives and parties:

1. Department of Natural Resources will assign one representative and an alternate to serve as organizational representatives.
2. Each natural resources district will assign one representative and an alternate to serve as organizational representatives.
3. The Department of Natural Resources will invite other named parties (irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, canal companies, and municipalities that rely on water from within the affected area) to express their interest, in writing, to participate in the process and ask those interested to designate a representative and alternate. The letter should be clear about the process, the role of statutory stakeholders, and the meeting schedule and expectations.
4. The Department of Natural Resources may designate other interests, which may also include asking for a particular person to represent the group. There is particular interest in inviting the Nebraska Game and Parks Commission given their statutory role in the Nebraska Nongame and Endangered Species Conservation Act and their holding of surface water rights.

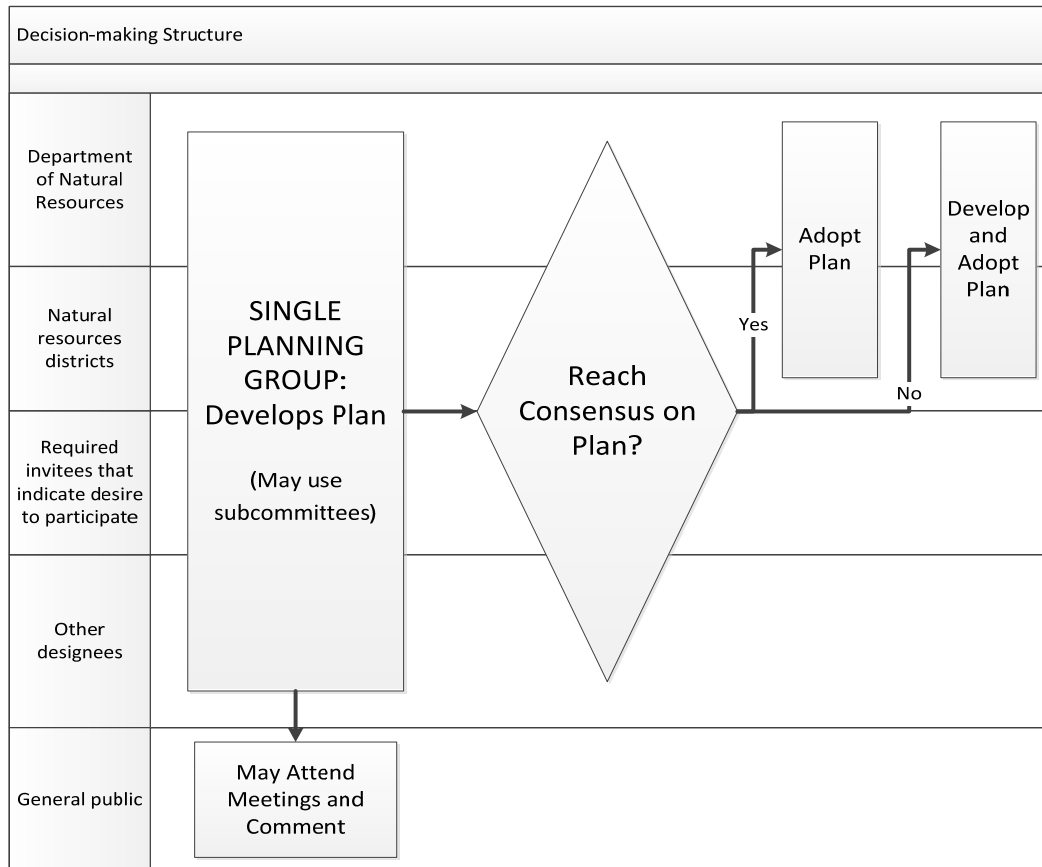
- Each natural resources district may designate additional representatives of interest groups that may otherwise be underrepresented. Natural resources districts may delay making this decision until interest is expressed by the statutory stakeholders. Possible under-represented groups included groundwater users and industry.

It is not known how many parties will be invited and will choose to engage in the planning process.

### Decision-making Structure: Single Planning Group

The *decision-making structure* describes how parties will organize to develop the plan. The Upper Platte basin-wide planning process will include representatives of all parties in a single planning group to develop the basin-wide plan (Figure 2). The group may occasionally employ subcommittees, as deemed appropriate by the single planning group. Subcommittees will not exercise decision making authority, but will offer recommendations to the single planning group.

Figure 2. Planning structure



The single planning group will be the group asked to reach agreement on the plan. If the single planning group cannot reach agreement, the Department of Natural Resources and the natural resources districts will work together to develop the plan. It is the expectation of the single planning group that, to the

extent possible, the Department of Natural Resources and the natural resources districts will focus their work to resolve only the disputed issues and leave undisputed areas intact.

The basin-wide plan must be adopted by the Department of Natural Resources and the natural resources districts.

## Planning Process and Timeline

The planning process will extend from June 2016 through to a goal for adoption in April 2019 (but that could be adopted as late as September 2019). The four phases of the adoption process and expected time allocations are:

### Orient and Prepare

It is anticipated that the single planning group members will be identified by June 2016. Approximately four months (*June through September 2016*) will be devoted to orientation, process planning, and review of technical information. The orientation will include at least one meeting of the single planning group. The orientation and all subsequent meetings will be organized by a facilitator.

### Plan

Over the next 17 months (*October 2016 through February 2018*) the single planning group will sequentially address goals, then objectives for each goal, and possible components or actions for each objective. At the end of each sequence, members of the single planning group will be asked to reach agreement on work completed for that sequence. Agreement will be determined through a vote of the single planning group. If the majority of those voting support the work completed for that sequence, the single planning group will move to the next sequence. If the majority of members of the single planning group do not support the work completed for that sequence, Department of Natural Resources and the natural resources districts will work together to resolve the disputed issues for that part of the planning sequence so that the planning process may resume.

### Approve

Six months (*March through August 2018*) are scheduled for the single planning group to finalize the plan and come to decision about whether consensus has been achieved. The single planning group will be asked to **determine overall consensus by June 2018**. If the single planning group is unable to come to consensus by June 2018, Department of Natural Resources and the natural resources districts will work together to resolve the disputed issues and create a **final plan by August 2018**. Members of the single planning group will be invited to document their suggestions for the plan within a limited, but yet to be determined amount of time to the Department of Natural Resources and the natural resources districts.

### Adopt

To be valid, the plan must be adopted by the Department of Natural Resources and natural resources districts. Eight months (*September 2018 through April 2019*) are allowed for informational public meetings and required public hearings to complete the adoption.



### **Public Meeting**

The single planning group will convene an informational public meeting to inform interested persons and organizations about the plan, its development, and its intent. The meeting will offer all parties an informal opportunity to exchange information and ideas.

### **Public Hearings**

Adopting entities (Department of Natural Resources and natural resources districts) will conduct public hearings in accordance with *Nebraska Revised Statutes* § 46-715 to 46-719. If the outcome of any of the hearings or other events necessitates significant change to the plan, then plan revisions will follow the same process by which the plan was developed:

- If the consensus-based process was the basis of plan development, then potential revisions to the plan will first be considered by the single planning group. If the single planning group is unable to reach consensus on revisions to the plan, the revisions will be developed by Department of Natural Resources and natural resources districts. To the extent possible, revisions developed by the Department of Natural Resources and natural resources districts will focus on those areas of revision which the single planning group was unable to reach consensus.
- If Department of Natural Resources and natural resources district developed the plan (because the single planning group was unable to reach consensus), the Department of Natural Resources and natural resources districts will develop potential revisions to the plan.

If significant revisions to the plan are made, additional public hearings and/or public notice may be necessary.

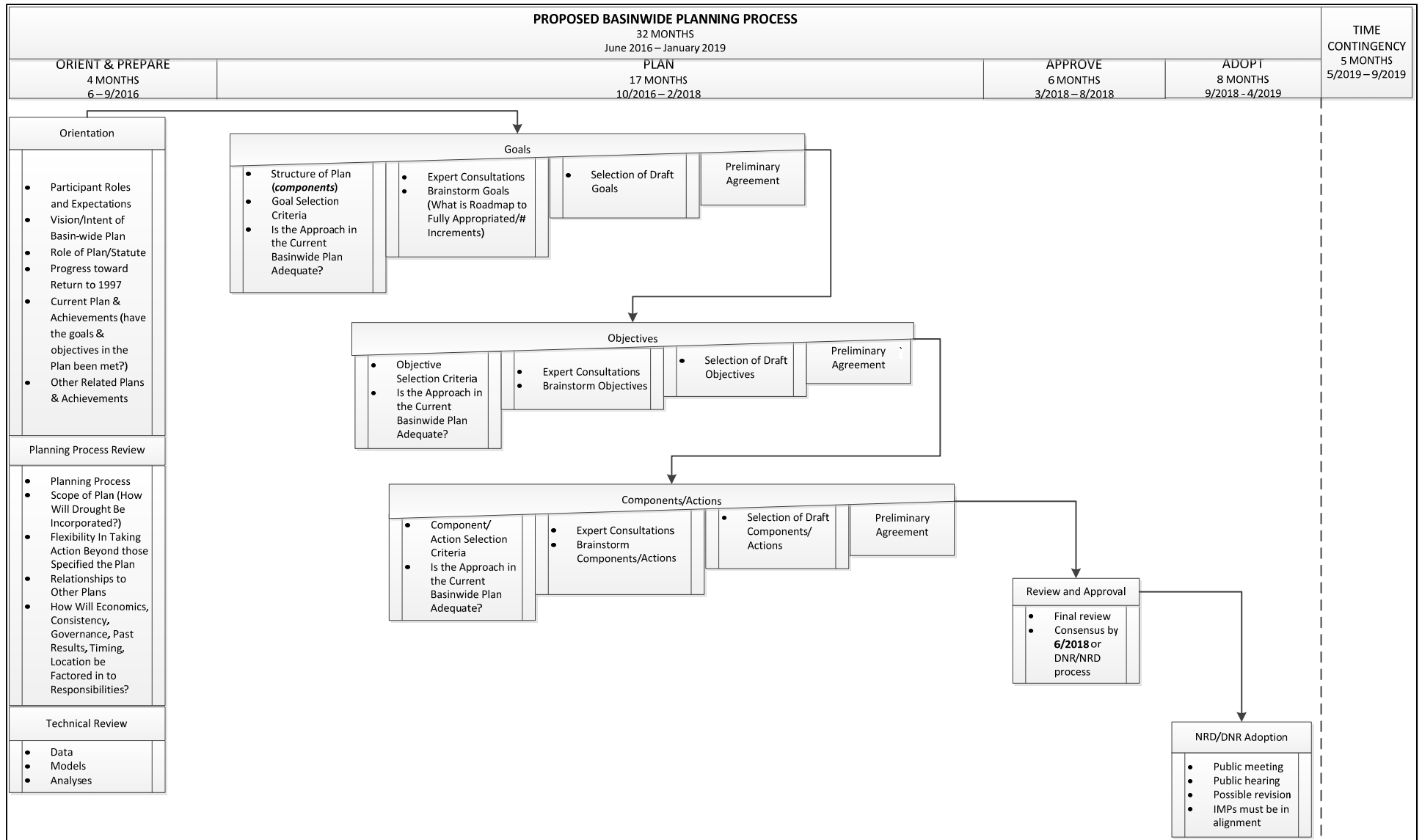
It should also be noted that statute mandates a second increment of each natural resources district's integrated management plan be developed by 2019 and that these second generation plans be consistent with the second increment basin-wide plan. Thus, as the next generation of district plans are developed, the parties will ensure that amendments or changes are consistent with the second increment basin-wide plan.

### **Time Contingency**

In addition to the four planning phases, the timeline includes a time contingency of five months. The planning process must be completed by September 2019.

A visual representation of the planning process and timelines is provided in Figure 3.

Figure 3. Planning process



## Governance Guidelines

For the single planning group to operate effectively, governance guidelines address the following issues: meeting times and locations, communications, meeting notice and preparations.

### Proposed Meeting Times and Locations

The single planning group will meet at pre-scheduled times and locations. Initially, it is recommended that the meetings follow the proposed schedule (Table 2).

All single planning group meetings will be convened at centrally located venues within the Upper Platte Basin.

**Table 2. Proposed meeting times and locations**

<b>Date</b>	<b>Time</b>	<b>Location</b>
June 16, 2016  (first <i>Orient and Prepare</i> meeting)	1:00 p.m. – 3:30 p.m.  <i>(Meeting follows the annual basin-wide meeting scheduled for the morning)</i>	Gothenburg – Monsanto Learning Center 76268 NE-47, Gothenburg, NE 69138
July 20, 2016  (may be a continuation of <i>Orient and Prepare</i> )	10:30 a.m. – 3:30 p.m.  <i>(Lunch will be “on your own”)</i>	North Platte – TBD by Department of Natural Resources
<i>Subsequent meetings are the 3<sup>rd</sup> Wednesday of every other month</i>		
September 21, 2016 November 16, 2016 January 18, 2017 March 15, 2017 May 17, 2017 July 19, 2017 September 20, 2017 November 15, 2017 January 17, 2018 March 21, 2018 May 16, 2018 July 18, 2018	10:30 a.m. – 3:30 p.m.  <i>(Lunch will be “on your own”)</i>	North Platte – TBD by Department of Natural Resources

## Communications

Communications directed to the public will be approved by the representatives. No individual is authorized to speak on behalf of the group.

## **Meeting Notice and Preparation**

Single planning group members and the general public will have advance notice of single planning group meetings: A basin-wide planning website will be created and all single planning group meetings will be published to that website and will be advertised in local newspapers. To the extent possible, all meeting materials (including the agenda and minutes from the previous meeting) will be sent to representatives and posted on the basin-wide site at least seven days prior to the meeting.

## **Meeting Operations**

Meeting operations focus on how members will participate, the role of the facilitator, and opportunities for participation by the general public.

### ***Single Planning Group Members***

For the meetings to be most productive, single planning group members should plan to attend the meetings, read materials in advance, be on time, and fully participate. Members are expected to attend the meetings in person. No provisions will be made for telephone or internet based conferencing.

Members will be asked to signify their agreement at various points along the plan development process. In a consensus-based process, representatives will focus on areas of common ground. One recommendation to achieve this is that when representatives are unable to find agreement, solutions to overcome barriers are offered.

For those members who have named alternates that may attend on their behalf, the regular member should fully brief the alternate prior to any meeting. If a member is unable to regularly attend meetings, the member should notify the designating organization and the designating organization should name a new member in advance of attendance at a meeting.

### ***Single Planning Group Support: Facilitator***

A facilitator will be engaged, in part, to ensure progress is being made and that meetings are productive (Appendix B – Facilitator Scope of Work), including responsibilities to:

- Develop meeting agendas and materials
- Create and guide processes to ensure time is productively spent
- Ensure representatives are engaging productively and attentively
- Start and end meetings on time
- Follow the agenda to the extent possible
- Take minutes
- Be responsive to member suggestions and concerns about the process
- Create successive draft plans

### ***Opportunities for Participation by the General Public***

The general public is invited to participate in the basin-wide plan development throughout the process by staying informed and providing input (Table 3).

Information will be available through an Upper Platte basin-wide planning **website**. The website will have information about the planning process and meeting materials. **Meetings notices** will be placed in area newspapers. There may be occasional **media releases** about the project. Finally, individuals interested in receiving updates about the process will be invited to sign up to receive **mailings** (likely electronic).

All **single planning group meetings will be open to the public** and each single planning group agenda will include the opportunity for **public comment**. Pursuant to statute (*Neb. Rev. Stat. §46-715 to 46-719*), public hearings about the basin-wide plan will also be conducted by the Department of Natural Resources and the natural resources districts.

**Table 3. General public participation**

<b>Information</b>	<b>Input</b>
<p><i>The general public will have access to information to assist their understanding of the problems, alternatives, opportunities and/or solutions</i></p> <ul style="list-style-type: none"> <li>• Website</li> <li>• Media releases</li> <li>• Public notice</li> <li>• Mailing lists</li> </ul>	<p><i>The general public will have opportunities to provide feedback on goals, objectives, and actions</i></p> <ul style="list-style-type: none"> <li>• Open meetings</li> <li>• Hearings will expressly be convened to hear public comment</li> </ul>

## Contact information

For general information:

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**Appendix A - Nebraska Revised Statute §46-715 through 46-719 of the  
Nebraska Groundwater Management and Protection Act**

**46-715. River basin, subbasin, or reach; integrated management plan; considerations; contents; amendment; technical analysis; forecast of water available from streamflow.**

(1)(a) Whenever the Department of Natural Resources has designated a river basin, subbasin, or reach as overappropriated or has made a final determination that a river basin, subbasin, or reach is fully appropriated, the natural resources districts encompassing such river basin, subbasin, or reach and the department shall jointly develop an integrated management plan for such river basin, subbasin, or reach. The plan shall be completed, adopted, and take effect within three years after such designation or final determination unless the department and the natural resources districts jointly agree to an extension of not more than two additional years.

(b) A natural resources district encompassing a river basin, subbasin, or reach that has not been designated as overappropriated or has not been finally determined to be fully appropriated may, jointly with the department, develop an integrated management plan for such river basin, subbasin, or reach located within the district. The district shall notify the department of its intention to develop an integrated management plan which shall be developed and adopted according to sections 46-715 to 46-717 and subsections (1) and (2) of section 46-718. The objective of an integrated management plan under this subdivision is to manage such river basin, subbasin, or reach to achieve and sustain a balance between water uses and water supplies for the long term. If a district develops an integrated management plan under this subdivision and the department subsequently determines the affected river basin, subbasin, or reach to be fully appropriated, the department and the affected natural resources district may amend the integrated management plan.

(2) In developing an integrated management plan, the effects of existing and potential new water uses on existing surface water appropriators and ground water users shall be considered. An integrated management plan shall include the following: (a) Clear goals and objectives with a purpose of sustaining a balance between water uses and water supplies so that the economic viability, social and environmental health, safety, and welfare of the river basin, subbasin, or reach can be achieved and maintained for both the near term and the long term; (b) a map clearly delineating the geographic area subject to the integrated management plan; (c) one or more of the ground water controls authorized for adoption by natural resources districts pursuant to section 46-739; (d) one or more of the surface water controls authorized for adoption by the department pursuant to section 46-716; and (e) a plan to gather and evaluate data, information, and methodologies that could be used to implement sections 46-715 to 46-717, increase understanding of the surface water and hydrologically connected ground water system, and test the validity of the conclusions and information upon which the integrated management plan is based. The plan may also provide for utilization of any applicable incentive programs authorized by law. Nothing in the integrated management plan for a fully appropriated river basin, subbasin, or reach shall require a natural resources district to regulate ground water uses in place at the time of the department's preliminary determination that the river basin, subbasin, or reach is fully appropriated, unless such regulation is necessary to carry out the goals and objectives of a basin-wide plan pursuant to section 46-755, but a natural resources district may voluntarily adopt such regulations. The applicable natural resources district may decide to include all water users within the district boundary in an integrated management plan.

(3) In order to provide a process for economic development opportunities and economic sustainability within a river basin, subbasin, or reach, the integrated management plan shall include clear and transparent procedures to track depletions and gains to streamflows resulting from new, retired, or other changes to uses within the river basin, subbasin, or reach. The procedures shall:

(a) Utilize generally accepted methodologies based on the best available information, data, and science;

(b) Include a generally accepted methodology to be utilized to estimate depletions and gains to streamflows, which methodology includes location, amount, and time regarding gains to streamflows as offsets to new uses;

(c) Identify means to be utilized so that new uses will not have more than a de minimis effect upon existing surface water users or ground water users;

(d) Identify procedures the natural resources district and the department will use to report, consult, and otherwise share information on new uses, changes in uses, or other activities affecting water use in the river basin, subbasin, or reach;

(e) Identify, to the extent feasible, potential water available to mitigate new uses, including but not limited to, water rights leases, interference agreements, augmentation projects, conjunctive use management, and use retirement;

(f) Develop, to the extent feasible, an outline of plans after consultation with and an opportunity to provide input from irrigation districts, public power and irrigation districts, reclamation districts, municipalities, other political subdivisions, and other water users to make water available for offset to enhance and encourage economic development opportunities and economic sustainability in the river basin, subbasin, or reach; and

(g) Clearly identify procedures that applicants for new uses shall take to apply for approval of a new water use and corresponding offset.

Nothing in this subsection shall require revision or amendment of an integrated management plan approved on or before August 30, 2009.

(4) The ground water and surface water controls proposed for adoption in the integrated management plan pursuant to subsection (1) of this section shall, when considered together and with any applicable incentive programs, (a) be consistent with the goals and objectives of the plan, (b) be sufficient to ensure that the state will remain in compliance with applicable state and federal laws and with any applicable interstate water compact or decree or other formal state contract or agreement pertaining to surface water or ground water use or supplies, and (c) protect the ground water users whose water wells are dependent on recharge from the river or stream involved and the surface water appropriators on such river or stream from streamflow depletion caused by surface water uses and ground water uses begun, in the case of a river basin, subbasin, or reach designated as overappropriated or preliminarily determined to be fully appropriated in accordance with section 46-713, after the date of such designation or preliminary determination.

(5)(a) In any river basin, subbasin, or reach that is designated as overappropriated, when the designated area lies within two or more natural resources districts, the department and the affected natural resources districts shall jointly develop a basin-wide plan for the area designated as overappropriated. Such plan shall be developed using the consultation and collaboration process described in subdivision (b) of this subsection, shall be developed concurrently with the development of the integrated management plan required pursuant to subsections (1) through (4) of this section, and shall be designed to achieve, in the incremental manner described in subdivision (d) of this subsection, the goals and objectives described in subsection (2) of this section. The basin-wide plan shall be adopted after hearings by the department and the affected natural resources districts.



(b) In any river basin, subbasin, or reach designated as overappropriated and subject to this subsection, the department and each natural resources district encompassing such river basin, subbasin, or reach shall jointly develop an integrated management plan for such river basin, subbasin, or reach pursuant to subsections (1) through (4) of this section. Each integrated management plan for a river basin, subbasin, or reach subject to this subsection shall be consistent with any basin-wide plan developed pursuant to subdivision (a) of this subsection. Such integrated management plan shall be developed after consultation and collaboration with irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, canal companies, and municipalities that rely on water from within the affected area and that, after being notified of the commencement of the plan development process, indicate in writing their desire to participate in such process. In addition, the department or the affected natural resources districts may include designated representatives of other stakeholders. If agreement is reached by all parties involved in such consultation and collaboration process, the department and each natural resources district shall adopt the agreed-upon integrated management plan. If agreement cannot be reached by all parties involved, the integrated management plan shall be developed and adopted by the department and the affected natural resources district pursuant to sections 46-715 to 46-718 or by the Interrelated Water Review Board pursuant to section 46-719.

(c) Any integrated management plan developed under this subsection shall identify the overall difference between the current and fully appropriated levels of development. Such determination shall take into account cyclical supply, including drought, identify the portion of the overall difference between the current and fully appropriated levels of development that is due to conservation measures, and identify the portions of the overall difference between the current and fully appropriated levels of development that are due to water use initiated prior to July 1, 1997, and to water use initiated on or after such date.

(d) Any integrated management plan developed under this subsection shall adopt an incremental approach to achieve the goals and objectives identified under subdivision (2)(a) of this section using the following steps:

(i) The first incremental goals shall be to address the impact of streamflow depletions to (A) surface water appropriations and (B) water wells constructed in aquifers dependent upon recharge from streamflow, to the extent those depletions are due to water use initiated after July 1, 1997, and, unless an interstate cooperative agreement for such river basin, subbasin, or reach is no longer in effect, to prevent streamflow depletions that would cause noncompliance by Nebraska with such interstate cooperative agreement. During the first increment, the department and the affected natural resources districts shall also pursue voluntary efforts, subject to the availability of funds, to offset any increase in streamflow depletive effects that occur after July 1, 1997, but are caused by ground water uses initiated prior to such date. The department and the affected natural resources districts may also use other appropriate and authorized measures for such purpose;

(ii) The department and the affected natural resources districts may amend an integrated management plan subject to this subsection (5) as necessary based on an annual review of the progress being made toward achieving the goals for that increment;

(iii) During the ten years following adoption of an integrated management plan developed under this subsection (5) or during the ten years after the adoption of any subsequent increment of the integrated management plan pursuant to subdivision (d)(iv) of this subsection, the department and the affected natural resources district shall conduct a technical analysis of the actions taken in such increment to determine the progress towards meeting the goals and

objectives adopted pursuant to subsection (2) of this section. The analysis shall include an examination of (A) available supplies and changes in long-term availability, (B) the effects of conservation practices and natural causes, including, but not limited to, drought, and (C) the effects of the plan on reducing the overall difference between the current and fully appropriated levels of development identified in subdivision (5)(c) of this section. The analysis shall determine whether a subsequent increment is necessary in the integrated management plan to meet the goals and objectives adopted pursuant to subsection (2) of this section and reduce the overall difference between the current and fully appropriated levels of development identified in subdivision (5)(c) of this section;

(iv) Based on the determination made in subdivision (d)(iii) of this subsection, the department and the affected natural resources districts, utilizing the consultative and collaborative process described in subdivision (b) of this subsection, shall if necessary identify goals for a subsequent increment of the integrated management plan. Subsequent increments shall be completed, adopted, and take effect not more than ten years after adoption of the previous increment; and

(v) If necessary, the steps described in subdivisions (d)(ii) through (iv) of this subsection shall be repeated until the department and the affected natural resources districts agree that the goals and objectives identified pursuant to subsection (2) of this section have been met and the overall difference between the current and fully appropriated levels of development identified in subdivision (5)(c) of this section has been addressed so that the river basin, subbasin, or reach has returned to a fully appropriated condition.

(6) In any river basin, subbasin, or reach that is designated as fully appropriated or overappropriated and whenever necessary to ensure that the state is in compliance with an interstate compact or decree or a formal state contract or agreement, the department, in consultation with the affected districts, shall forecast on an annual basis the maximum amount of water that may be available from streamflow for beneficial use in the short term and long term in order to comply with the requirement of subdivision (4)(b) of this section. This forecast shall be made by January 1, 2008, and each January 1 thereafter.

**Source:** Laws 2004, LB 962, § 55; Laws 2006, LB 1226, § 25; Laws 2007, LB701, § 23; Laws 2009, LB54, § 3; Laws 2010, LB764, § 1; Laws 2014, LB1098, § 14.

**46-716. Integrated management plan; surface water controls.**

(1) The surface water controls that may be included in an integrated management plan and may be adopted by the Department of Natural Resources are: (a) Increased monitoring and enforcement of surface water diversion rates and amounts diverted annually; (b) the prohibition or limitation of additional surface water appropriations; (c) requirements for surface water appropriators to apply or utilize reasonable conservation measures consistent with good husbandry and other requirements of section 46-231 and consistent with reasonable reliance by other surface water or ground water users on return flows or on seepage to the aquifer; and (d) other reasonable restrictions on surface water use which are consistent with the intent of section 46-715 and the requirements of section 46-231.

(2) If during the development of the integrated management plan the department determines that surface water appropriators should be required to apply or utilize conservation measures or that other reasonable restrictions on surface water use need to be imposed, the department's portion of the integrated management plan shall allow the affected surface water appropriators and surface water project sponsors a reasonable amount of time, not to exceed one hundred eighty days unless extended by the department, to identify the conservation measures to be applied or utilized, to develop a schedule for such application and utilization, and to comment on any other proposed restrictions.

**Source:** Laws 2004, LB 962, § 56.

**46-717. Integrated management plan; scientific data and other information; department; natural resources district; duties.**

(1) In developing an integrated management plan, the Department of Natural Resources and the affected natural resources districts shall utilize the best scientific data and other information available and shall review and consider any rules and regulations in effect in any existing ground water management area that encompasses all or part of the geographic area to be encompassed by the plan. Consideration shall be given to the applicable scientific data and other information relied upon by the department in preparing the annual report required by section 46-713 and to other types of data and information that may be deemed appropriate by the department. The department, after seeking input from the affected natural resources districts, shall specify by rule and regulation the types of scientific data and other information that will be considered in developing an integrated management plan. The natural resources districts shall adopt similar rules and regulations specifying the types of scientific data and other information necessary for purposes of this section. Existing research, data, studies, or any other relevant information which has been compiled by or is in possession of other state or federal agencies, other natural resources districts, and other political subdivisions within the State of Nebraska shall be utilized. State agencies and political subdivisions shall furnish information or data upon request of the department or any affected natural resources district. Neither the department nor the natural resources districts shall be required to conduct new research or to develop new computer models to prepare an integrated management plan, but such new research may be conducted or new computer models developed within the limits of available funding if the additional information is desired by the department or the affected natural resources districts.

(2) During preparation of an integrated management plan for a fully appropriated river basin, subbasin, or reach or of an integrated management plan under subdivision (1)(b) of section 46-715, the department and the affected natural resources districts shall consult with any irrigation district, reclamation district, public power and irrigation district, mutual irrigation company, canal company, or municipality that relies on water from the affected river basin, subbasin, or reach and with other water users and stakeholders as deemed appropriate by the department or by the affected natural resources districts. They shall also actively solicit public comments and opinions through public meetings and other means.

**Source:** Laws 2004, LB 962, § 57; Laws 2010, LB764, § 2.

**46-718. Integrated management plan; hearings; implementation order; dispute; procedure.**

(1) If the Department of Natural Resources and the affected natural resources districts preparing an integrated management plan reach agreement on (a) the proposed goals and objectives of the plan for the affected river basin, subbasin, or reach, (b) the proposed geographic area to be subject to controls, and (c) the surface water and ground water controls and any incentive programs that are proposed for adoption and implementation in the river basin, subbasin, or reach, they shall schedule one or more public hearings to take testimony on the proposed integrated management plan and the proposed controls. Such hearings shall be held within forty-five days after reaching agreement and within or in reasonable proximity to the area to be affected by implementation of the integrated management plan. Notice of such hearings shall be published as provided in section 46-743. The costs of publishing the notice shall be shared between the department and the affected natural resources districts. All interested persons may appear at the hearings and present testimony or provide other evidence relevant to the issues being considered.

(2) Within sixty days after the final hearing under this section, the department and the affected natural resources districts shall jointly decide whether to implement the plan proposed, with or without modifications, and whether to adopt and implement the surface water and ground water controls and incentive programs proposed in the plan. If the department and the natural resources districts agree to implement the plan and to adopt and implement the proposed controls, the natural resources districts shall by order designate a ground water management area for integrated management or, if the geographic area subject to the integrated management plan is already in a ground water management area, the order shall designate an integrated management subarea for that area. The order shall include a geographic and stratigraphic definition of the ground water management area or integrated management subarea and shall adopt the controls in the integrated management plan that are authorized for adoption by the natural resources district pursuant to section 46-739. The department shall by order adopt the controls in the integrated management plan that are authorized for adoption by the department pursuant to section 46-716. Neither the controls adopted by the district nor those adopted by the department shall include controls substantially different from those set forth in the notice of hearing. The area designated as a ground water management area or an integrated management subarea by the natural resources district shall not include any area that was not identified in the notice of the hearing as within the area proposed to be subject to the controls in the plan. The department and the natural resources district shall each cause a copy of its order to be published in the manner provided in section 46-744.

(3) If at any time during the development of a basin-wide plan or an integrated management plan either the department or the affected natural resources districts conclude that the parties will be unable to reach a timely agreement on the basin-wide plan or on (a) the goals and objectives of the integrated management plan for the affected river basin, subbasin, or reach, (b) the geographic area to be subject to controls, or (c) the surface water or ground water controls or any incentive programs to be proposed for adoption and implementation in the affected river basin, subbasin, or reach, the Governor shall be notified and the dispute shall be submitted to the Interrelated Water Review Board as provided in subsection (2) of section 46-719.

**Source:** Laws 2004, LB 952, § 58.

**46-719. Interrelated Water Review Board; created; members; powers and duties.**

(1)(a) The Interrelated Water Review Board is created for the purposes stated in subsections (2) through (5) of this section. The board shall consist of five members. The board, when appointed and convened, shall continue in existence only until it has resolved a dispute referred to it pursuant to such subsections. The Governor shall appoint and convene the board within forty-five days of being notified of the need to resolve a dispute. The board shall be chaired by the Governor or his or her designee, which designee shall be knowledgeable concerning surface water and ground water issues. The Governor shall appoint one additional member of his or her choosing and shall appoint the other three members of the board from a list of no fewer than six nominees provided by the Nebraska Natural Resources Commission within twenty days after request by the Governor for a list of nominees.

(b) Not more than two members of the board shall reside in the geographic area involved in the dispute. A person is not eligible for membership on the board if the decisions to be made by the board would or could cause financial benefit or detriment to the person, a member of his or her immediate family, or a business with which the person is associated, unless such benefit or detriment is indistinguishable from the effects of such action on the public generally or a broad segment of the public. The board shall be subject to the Open Meetings Act.

(c) For purposes of subsections (2) and (3) of this section, action may be taken by a vote of three of the board's five members. For purposes of subsections (4) and (5) of this section, action may be taken only by a vote of at least four of the board's five members.

(2)(a) If the Department of Natural Resources and the affected natural resources districts cannot resolve disputes over the content of a basin-wide plan or an integrated management plan by utilizing the process described in sections 46-715 to 46-718, the Governor shall be notified and the dispute submitted to the Interrelated Water Review Board. When the board has been appointed and convened to resolve disputes over a basin-wide plan, the department and each affected district shall present their proposed basin-wide plans to the board. When the board has been convened to resolve disputes over an integrated management plan, the department and each affected natural resources district shall present their (i) proposed goals and objectives for the integrated management plan, (ii) proposed geographic area to be subject to controls, and (iii) proposed surface water and ground water controls and any proposed incentive program for adoption and implementation in the river basin, subbasin, or reach involved. The department and

each affected natural resources district shall also be given adequate opportunity to comment on the proposals made by the other parties to the dispute.

(b) When the Interrelated Water Review Board concludes that the issues in dispute have been fully presented and commented upon by the parties to the dispute, which conclusion shall be made not more than forty-five days after the board is convened, the board shall select the proposals or portions of proposals that the board will consider for adoption and shall schedule one or more public hearings to take testimony on the selected proposals. The hearings shall be held within forty-five days after the board's selection of proposals to consider for adoption and shall be within or in reasonable proximity to the area that would be affected by implementation of any of the proposals to be considered at the hearings. Notice of the hearings shall be published as provided in section 46-743. The cost of publishing the notice shall be shared by the department and the affected natural resources districts. All interested persons may appear at the hearings and present testimony or provide other evidence relevant to the issues being considered.

(c) Within forty-five days after the final hearing pursuant to subdivision (b) of this subsection, the Interrelated Water Review Board shall by order, as applicable, adopt a basin-wide plan or an integrated management plan for the affected river basin, subbasin, or reach and, in the case of an integrated management plan, shall designate a ground water management area for integrated management or an integrated management subarea for such river basin, subbasin, or reach. An integrated management plan shall be consistent with subsection (2) of section 46-715, and the surface water and ground water controls and any applicable incentive programs adopted as part of that plan shall be consistent with subsection (4) of section 46-715. The controls adopted by the board shall not be substantially different from those described in the notice of hearing. The area designated as a ground water management area or an integrated management subarea shall not include any area that was not identified in the notice of the hearing as within the area proposed to be subject to the controls in the plan.

(d) The order adopted under this subsection shall be published in the manner prescribed in section 46-744.

(e) Surface water controls adopted by the Interrelated Water Review Board shall be implemented and enforced by the department. Ground water controls adopted by the Interrelated Water Review Board shall be implemented and enforced by the affected natural resources districts.

(3) Whether an integrated management plan is adopted pursuant to section 46-718 or by the Interrelated Water Review Board pursuant to subsection (2) of this section, the department or a natural resources district responsible in part for



implementation and enforcement of an integrated management plan may propose modification of the goals or objectives of that plan, of the area subject to the plan, or of the surface water controls, ground water controls, or incentive programs adopted to implement the plan. The department and the affected natural resources districts shall utilize the procedures in sections 46-715 to 46-718 in an attempt to reach agreement on and to adopt and implement proposed modifications. If agreement on such modifications cannot be achieved utilizing those procedures, either the department or an affected natural resources district may notify the Governor of the dispute. The Interrelated Water Review Board shall be appointed and convened in accordance with subsection (1) of this section to resolve the dispute and, if applicable, to adopt any modifications utilizing the procedures in subsection (2) of this section.

(4) The department and the affected natural resources districts may also raise objections concerning the implementation or enforcement of previously adopted surface water or ground water controls. The department and the affected natural resources districts shall utilize the procedures in sections 46-715 to 46-718 in an attempt to reach agreement on such implementation or enforcement issues. If agreement on such issues cannot be achieved utilizing such procedures, either the department or an affected natural resources district may notify the Governor of the dispute. The Interrelated Water Review Board shall be appointed and convened in accordance with subsection (1) of this section. After permitting each party to fully express its reasons for its position on the disputed issues, the board may either take no action or conclude (a) that one or more parties needs to modify its approach to implementation or enforcement and direct that such modifications take place or (b) that one or more parties either has not made a good faith effort to implement or enforce the portion of the plan or controls for which it is responsible or is unable to fully implement and enforce such portion and that such party's jurisdiction with respect to implementation and enforcement of the plan and controls shall be terminated and reassigned to one or more of the other parties responsible for implementation and enforcement. A decision by the Interrelated Water Review Board to terminate and reassign jurisdiction of any portion of the plan or controls shall take effect immediately upon that decision. Notice of such reassignment shall be published at least once in one or more newspapers as necessary to provide general circulation in the area affected by such reassignment.

(5) The board may be reconvened in accordance with subsection (1) of this section at a later date upon request to the Governor by the party for which jurisdiction for implementation and enforcement was terminated if such party desires to have its jurisdiction reinstated, but no such request shall be honored until at least one year after the termination and not more than once per year thereafter. The board may reinstate jurisdiction to that party only upon a clear showing by

such party that it is willing and able to fully implement and enforce the plan and any applicable controls. Notice that a party's jurisdiction has been reinstated shall be provided in the same manner that notice of the earlier termination was given.

**Source:** Laws 2004, LB 962, § 59; Laws 2006, LB 1226, § 26; Laws 2009, LB54, § 4.

**Cross References**

**Open Meetings Act**, see section 84-1407.

# Appendix B - Facilitator Scope of Work

**Facilitation and Coordination Support for Platte River Basin Water  
Planning Process  
Request for Qualifications  
October 30, 2015**

**Introduction**

The Department of Natural Resources, North Platte Natural Resources District, South Platte Natural Resources District, Twin Platte Natural Resources District, Central Platte Natural Resources District, and Tri-Basin Natural Resources District (the Sponsors), all cooperating under an interlocal agreement, are soliciting a Statement of Qualifications (SOQ's) for professional services to provide facilitation services, coordination support in development of the second increment of the Basin-Wide Plan (Plan) in the Upper Platte River Basin within Nebraska, and drafting of the Plan. The Basin-Wide Planning process generally includes the development of goals, objectives, and certain actions aimed at meeting the requirements outlined in Neb Rev. Stat. §46-715. The process of developing the Plan will include participation of the Sponsors in conjunction with various stakeholder interests within the Platte River Basin.

**Scope of Services**

Services are being sought to ensure effective communication and collaboration throughout the planning process. Likely services that will need to be provided include: project management services to ensure effective project communication and dissemination of information to appropriate parties, meeting coordination and facilitation services to ensure Sponsors objectives are being achieved, development and distribution of educational materials, and drafting, distribution, and completion of the Plan. A more detailed scope of services is outlined in Attachment A.

**SOQ Submittal Process**

Firms interested in being considered must submit six (6) copies of the Statement of Qualifications (SOQ). The SOQ should be addressed to Jennifer J. Schellpeper and received at the Nebraska Department of Natural Resources no later than 5:00 p.m. December 14, 2015 at 301 Centennial Mall South, Lincoln, NE 68509-4676.

Questions. For questions regarding the project and the SOQ submittal process contact Jennifer J. Schellpeper of the Nebraska Department of Natural Resources by e-mail at [jennifer.schellpeper@nebraska.gov](mailto:jennifer.schellpeper@nebraska.gov) with your question. Please include name, name of firm, address, phone, fax, and e-mail.

Pre-Submittal Meeting. No pre-submittal meeting for SOQ's will be conducted.

Submittal Format. Interested firms shall include the following in their submittal:

1. Include pertinent company information, including company name, entity type, home office address, local address (if applicable), telephone, facsimile, contact name and email address. Include a signature of an authorized agent of your firm. Limit to one page.
2. In five pages or less, outline the expertise and knowledge of the team that will be assigned to this project, in the following areas:
  - a) Project Management and Facilitation services: experience with large groups of stakeholders with diverse backgrounds and with high conflict,

- meeting coordination and meeting organization, effective communication strategies and development of educational materials,
- b) Water Planning (with emphasis on integrated water management concepts and the Nebraska Groundwater Management and Protection Act),
  - c) Knowledge of surface water and groundwater hydrology and hydrogeology, including the Upper Platte River Basin.
3. Include a short description of no more than five (5) relevant projects, describing each project in one page or less. Include a contact for each project.
  4. Identify a team who will be available for this scope of work beginning in February 2016 and continuing through January 2019; limit to one page for overview and one page for organization chart. Also state availability. Include a short resume for each team member, no more than one page for each person.

#### **Consultant Selection Process**

The selection process will include the following steps:

1. Evaluate and rank the SOQ's. The ranking criteria are included in the Selection Criteria section below. Each respondent will be ranked as a) not acceptable (0 pts.), b) acceptable (2 pts.), or c) excellent (4 pts.) in each criterion. Then based on the weight, each respondent will be given an overall ranking. Respondents will only be ranked on experiences and qualifications included in their SOQ's.
2. After Evaluation and Ranking Interviews may be conducted. If interviews are conducted selected consultants will be notified by January 4<sup>th</sup> and interviews will be scheduled the week of January 11, 2016.
3. Respondents will be notified of their ranking by 5:00 p.m. January 18, 2016.
4. The firm with the highest ranking will be asked to provide a full cost estimate for the scope of services identified in Attachment A. If the Sponsors and firm are able to reach agreement on contract terms a contract will be executed with that firm. If the Sponsors and firm are unable to reach agreement on contract terms then the next highest ranked firm will be sought until a contract is successfully executed.

#### **Selection Criteria**

The selection criteria below, in order of importance and weight, will be used to evaluate the Statement of Qualifications.

1. Previous experience and expertise in providing facilitation services (50%).
2. Previous experience and expertise in water planning (20%).
3. Knowledge of integrated water management planning principles (20%).
4. Knowledge of hydrology and hydrogeologic concepts (10%).

#### **Contact Information**

Jennifer J. Schellpeper  
Nebraska Department of Natural Resources  
301 Centennial Mall South  
Lincoln, NE 68509-4676  
Email: [jennifer.schellpeper@nebraska.gov](mailto:jennifer.schellpeper@nebraska.gov)  
Phone: (402) 471-2899

**ATTACHMENT A**  
**Anticipated Scope of Services**

1. **TASK 1 – Project Management**
  - a. **Task Objective**

Develop effective project communication; confirm that Project elements are being completed. Discover and disseminate project information to improve quality and efficiency.
  - b. **Activities**

The selected consultant/contractor will conduct general project management tasks, which include:

    - i. Development and use of a project guide, monthly invoicing, and monthly progress report
    - ii. Project scheduling
    - iii. Subconsultant/subcontractor management
    - iv. Project close-out activities,
    - v. Development and use as necessary, with input from the Sponsors and stakeholder participants, a website for document exchange and document management
    - vi. Other project administrative activities in support of the project team
  - c. **Task Deliverables:**
    - i. Monthly invoices and progress reports.
    - ii. Project administrative support.
    - iii. Secure website (or ftp site).
  - d. **Key Understandings:**
    - i. The duration of the project is approximately thirty (30) months with a target date for completion of on or before January 1, 2019.
  
2. **TASK 2 –MEETING COORDINATION AND FACILITATION**
  - a. **Task Objective**

Provide coordination and facilitation support to the Sponsors to assist in the development of a Basin-Wide Management Plan. Facilitate communication of stakeholder participants with the Sponsors.
  - b. **Activities:**
    - i. **Task 2.1 Sponsor Coordination Meetings** The selected consultant/contractor will coordinate up to fifteen (15) in-person meetings to discuss the ongoing activities of the planning process and determine future processes for stakeholder participation. The expected number of meetings is an estimated quantity. Meeting coordination will include scheduling meetings, distributing agendas to the Sponsors at least ten (10) days before each meeting, recording notes, distributing meeting summaries to Sponsors for review and comment within fifteen (15) days of each meeting, and incorporating Sponsors comments into meeting summaries.
    - ii. **Task 2.2 Stakeholder Meetings** The selected consultant/contractor will coordinate and facilitate up to fifteen (15) in-person meetings with stakeholders such that the stakeholders are provided opportunity to consult and collaborate on the formulation, evaluation, and recommendation of plans and management actions aimed at the identification of specific basin-wide planning goals and objectives. The expected number of meetings is an estimated quantity. Meeting coordination will include scheduling meetings, distributing agendas to the Sponsors at least ten (10) days before

each meeting, recording stakeholder feedback, distributing meeting summaries to Sponsors for review and comment within fifteen (15) days of each meeting, and incorporating Sponsors comments into meeting summaries. Consultant/contractor will develop effective meeting processes with guidance from the Sponsors.

iii. **Task 2.3 Project Website.** The selected consultant/contractor will design and populate a project website. Website content will be developed by the consultant/contractor with guidance from the Sponsors and stakeholders. The website will be hosted by NDNR. The selected consultant/contractor will keep the website updated throughout the project duration.

c. **Task Deliverables:**

- i. Schedule of Sponsor coordination meetings and facilitated Stakeholder meetings.
- ii. Fifteen (15) Sponsor coordination meetings with meeting agendas and meeting summaries. The number of meetings is an estimated quantity. This includes 1 hour pre- and post- meetings for preparation and debriefing.
- iii. Fifteen (15) Stakeholder meeting agendas and meeting summaries. The number of meetings is an estimated quantity. This includes 1 hour pre- and post- meetings for preparation and debriefing.
- iv. Project website and information for populating it.

d. **Key Understandings:**

- i. Meetings are anticipated to be held in North Platte, Nebraska but locations may be modified by the Sponsors. Each meeting will last up to four (4) hours.
- ii. The project website will be hosted by NDNR.
- iii. The selected consultant/contractor will be responsible for printing all handouts and meeting materials.
- iv. Facilities for all meetings will be coordinated by the consultant/contractor with advice from the Sponsors.

3. **TASK SERIES 3 – BASIN-WIDE WATER MANAGEMENT PLAN**

a. **Task Objective**

Develop the components of a basin-wide water management plan for the Upper Platte River Basin.

b. **Activities**

- i. **Task 3.1 Goals and Objectives.** The selected consultant/contractor will work with the Sponsors and stakeholder participants to modify and/or develop goals and objectives of the basin-wide plan and other requirements set forth in the Ground Water Management and Protection Act (the Act).
- ii. **Task 3.2 Summary of Existing Integrated Management Plan Surface and Groundwater Controls.** The selected consultant/contractor will compile and summarize existing ground and surface water control measures currently employed in basin IMPs.
- iii. **Task 3.3 Stakeholder Agreement.** The selected consultant/contractor will work to reach agreement between Sponsors and all stakeholder participants on the goals, objectives, and actions of the Plan and actions formulated, evaluated, and recommended as part of the planning process.
- iv. **Task 3.4 Data Summaries.** Summarize existing available data from relevant water studies, including information developed by the Sponsors through current implementation efforts. The selected consultant/contractor will not be expected to generate new data as part of this contract, but rather to summarize existing information

into handouts and presentations aimed at facilitating plan development.

- c. **Task Deliverables:**
  - i. Summary of goals and objectives.
  - ii. Summary of existing surface water and groundwater controls
  - iii. Draft plans and management actions aimed at implementing the goals and objectives of the Plan
  - iv. Presentations and handouts materials to support meeting facilitation
- d. **Key Understandings:**
  - i. The selected consultant/contractor will be responsible for printing all handouts and meeting materials.

4. **TASK SERIES 4 – BASIN-WIDE WATER MANAGEMENT PLAN DOCUMENT**

- a. **Task Objective**

Prepare draft and final Basin-wide Water Management Plan documents.
- b. **Activities**
  - i. **Task 4.1 Draft Basin-wide Water Management Plan Document**

The selected consultant/contractor will prepare a Draft Basin-wide Water Management Plan for review and comment by the Sponsors and stakeholders. Anticipated major elements include:

    - a) Purpose and Scope
    - b) Background/Basin Description
    - c) Goals and Objectives
    - d) Components of the Plan and Action Items
    - e) Plan Review and Monitoring
    - f) Other elements as required by the Act
  - ii. **Task 4.2 Facilitate Agreement of Plan and Finalize Plan**. The selected consultant/contractor will work to facilitate agreement of all participants. If participants are unable to reach an agreement within the contract period, the Sponsors will determine whether additional efforts are likely to produce a Plan that is acceptable to all parties, or whether to finalize a draft Plan.
- c. **Task Deliverables**
  - i. Draft Basin-wide Water Management Plan.
  - ii. Final Basin-wide Water Management Plan.
  - iii. Comment tracking/resolution.
- d. **Key Understandings**
  - i. Draft plans will be distributed in electronic PDF and Microsoft Word formats for review and comment.
  - ii. After incorporation of comments, additional draft plans will be distributed in electronic PDF and Microsoft Word formats for review and comment.

Final plan will be distributed in electronic PDF and Microsoft Word formats.