

**REPORT OF THE IMPLEMENTING AGREEMENT WORK GROUP**

At the EARIP meeting on May 14, 2009, a consensus was reached to accept the recommendation of the Facilitation Work Group to make Jean Cochrane of USGS, the HCP contractor, and Dr. Thom Hardy available to assist the facilitator in the decision-making process:

The Work Group recommends that, subject to availability of funds, the EARIP extend the USGS contract to allow Jean Cochrane to advise and assist whoever is selected as the facilitator on technical and scientific issues. The Facilitation Work Group also recommends that additional scientific expertise be provided to the facilitator, as needed, through the HCP contractor and Dr. Tom Hardy.

May 14 Agenda, Attachment 10 at 2. That decision was also reflected in the Request for Proposals for the facilitator that was also approved at the May 14 meeting. *See, e.g.*, May 14 Agenda Attachment 12 at 2 (“We anticipate that the EARIP and the facilitator(s) will be able to draw upon the services of Dr. Hardy and the team during the EARIP decision-making process.”); *id.* at 3 (“We anticipate that Jean Cochrane will continue to be available to assist the EARIP and facilitator(s) with scientific issues, including the targeted application of the SDM process. The selected facilitator(s) is encouraged to draw upon Ms. Cochrane’s work with Dr. Hardy’s team and her SDM expertise in the facilitation of scientific issues.”); *id.* (“We anticipate that, in addition to preparing the program documents, the consultant will assist the stakeholders and facilitator(s) in developing measures and alternatives that will form the basis for these documents.”).

The Implementation Agreement Work Group discussed the need for more specifically defining the role of these persons in the decision-making process at its May 28<sup>th</sup> meeting. At its next meeting, on June 24<sup>th</sup>, the Work group will discuss some of the procedural issues related to the role of the Sciences Advisors, but, before doing so, wanted input from the EARIP regarding the Work Group’s initial thoughts with respect to the roles of Jean Cochrane, the program document contractor, and Dr. Thom Hardy:

1. Role of Supporting Personnel

The Parties to this agreement acknowledge the importance of independent scientific input into the development of the program document and the importance of having non-scientific advisors who can approach the issues without a particularized interest and help the Parties to achieve consensus recommendations. Accordingly, the Parties anticipate receiving input and guidance from at least the following Supporting Personnel:

a. Facilitator(s)

The facilitator(s) retained by the EARIP shall ensure throughout the process that the process is open, transparent, and collaborative. Unless otherwise directed, the facilitator(s) will conduct all decision-making sessions with respect to the development of the program document. The facilitators may consult with the “Science Advisors” on technical issues as needed or as requested by the Steering Committee. The facilitator(s) may, in coordination with the Program

Manager, request specific tasks to be conducted by one or more Science Advisor (*e.g.*, model development) to assist the facilitator in the decision-making sessions. The facilitator(s) will provide the Program Manager minutes of each decision-making session that summarize the decisions made at the session.

b. Science Advisors

The Steering Committee and facilitator(s) may utilize Science Advisors to advise them during the decision-making process. The Science Advisors shall include: (1) Dr. Thomas Hardy, (2) the person(s) who will be responsible for the preparation of the program document, (3) Jean Cochrane from the United States Geological Survey, and (4) such other persons who are subsequently designated by the Steering Committee/EARIP. The use of Dr. Thomas Hardy and Jean Cochrane shall depend and be contingent upon the availability of funds and the ability of the EARIP to negotiate acceptable contractual arrangements with the entities providing funding for a science advisor's participation. The Steering Committee may forward an issue that is scientific in nature to be considered by the Science Advisors.

The Science Advisors will not participate in the decision-making sessions except to the extent specifically requested by the Steering Committee. Science Advisors, individually or collectively, may be requested to assist and advise the facilitator(s) or the Steering Committee. Jean Cochrane may, as requested by the facilitator(s), facilitate specific decision-making meetings or parts of such sessions.