

Proposed Ground Rules

Harbor Porpoise Take Reduction Team (HPTRT)

(as of December 10, 2007)

The following ground rules have been informed by CONCUR's professional experience, discussions with NOAA's National Marine Fisheries Service (NMFS), directives in the Marine Mammal Protection Act, and confidential interviews conducted with a subset of Take Reduction Team members. These ground rules are intended to foster and reinforce constructive interaction and deliberation among TRT members. They emphasize clear communication, respect for divergent views, creative thinking, collaborative problem solving, trust building, working towards consensus, and the pursuit of mutual gains. The TRT may decide to reconsider and revise these ground rules if they appear not to be serving the TRT process.

Representation

- **TRT recruitment and selection.** TRT members have been invited to serve by NOAA's National Marine Fisheries Service (NMFS) Assistant Administrator for Fisheries. TRT members were selected based on professional expertise or experience in the areas of conservation or biology of marine mammal species or fishing practices which result in the incidental mortality and serious injuries of such species. TRT members were also selected for their diversity of interests, geographic location, communication network, capability to work with diverse viewpoints, and commitment to developing a consensus-based Take Reduction Plan in the prescribed timeframe.
- **TRT purpose.** The Harbor Porpoise Take Reduction Team (TRT) will serve as an advisory group to NMFS and will develop recommendations based on the collection and analysis of abundance, stock structure and bycatch estimate reports from the Northeast Fisheries Science Center and other scientific reports. Where appropriate, the TRT will recommend research on bycatch reduction strategies. NMFS will make the final rulemaking on harbor porpoise take reduction actions.

Participation and Collaboration

- **Primary and alternate TRT members.** Primary TRT members will make every effort to attend all TRT meetings. Team members may identify alternates if they will not be able to make all team meetings. Names of candidate alternates are to be submitted at least one month in advance of the next meeting for approval by NMFS. Alternates should represent the same organization or constituency as the primary representative, be knowledgeable and able spokespersons, and be committed to work collaboratively towards a consensus agreement. Primary TRT members will work with their alternates to ensure that they are up to speed on TRT deliberations.
- **Active, focused participation.** Every participant is responsible for communicating his/her perspectives and interests on the issues under consideration. Voicing these perspectives is essential to enable meaningful dialogue. Everyone will participate; no one will dominate. Only one person will speak at a time (i.e., no sidebar conversations) and only after being recognized by the facilitation team. Everyone will help stay on track. Participants will turn off cell phones during TRT meetings.
- **Respectful interaction.** Participants will respect each other's personal integrity, values and legitimacy of interests. This includes avoiding personal attacks and stereotyping. Participants recognize that grandstanding – in and out of the meeting – undermines the potential for consensus.

- **Integration and creative thinking.** In developing, reviewing and revising work products, participants will strive to be open-minded and to integrate members' ideas, perspectives and interests. Disagreements will be regarded as problems to be solved rather than battles to be won. Participants will attempt to reframe contentious issues and offer creative solutions to enable constructive dialogue.
- **Mutual gains approach.** Participants will work to satisfy not only their own interests but also those of other TRT members. Participants are encouraged to be clear about their own interests and to recognize the important distinction between underlying interests and fixed positions.
- **Right to terminate membership.** Any TRT member may withdraw from the TRT process at any time, without prejudice. To withdraw from the TRT, the member must formally notify NMFS of such actions, and if possible, recommend an alternate.

Commitment to process

- Participants will make a good faith effort at achieving the goals of the project and will attend all formal TRT meetings. This includes working collaboratively with other TRT members to develop a consensus-based product.
- Participants will review meeting materials in advance of the meetings and come prepared to address the meeting objectives.
- Draft meeting agendas, developed by CONCUR and NMFS, are to be circulated to TRT members prior to any TRT meeting for their input and finalized by the TRT during the meetings.
- Meetings will start on time. Participants who know that they will be absent, late or leave early are asked to inform project staff in advance and coordinate with their alternates as needed.
- As a set of mutual obligations, TRT members will commit to adhere to these ground rules once they are confirmed. TRT members are encouraged to help uphold and enforce these ground rules.
- Members of the public are asked to direct comments through TRT members or speak at designated times on the meeting agenda.

TRT Decision Rules

- The TRT will strive to develop and come to agreement using a consensus decision rule. In particular, TRT members will pursue "conditional unanimity," where all participants are able to support (i.e., "to live with") and agree not to block a package of agreements developed over the course of the group's deliberations.
- TRT members recognize the need to make simple process agreements to move the effort forward. TRT facilitators will use "straw votes" to track progress and help the group arrive at short-term decisions to propel the process forward in an efficient fashion.
- In the event consensus cannot be reached, the TRT will advise NMFS in writing on the range of possibilities considered by the team and the extent of support for respective elements of TRT's proposals. As appropriate, majority and minority views will also be represented.

Multi-interest Work Teams and Interest Group Caucusing

- NMFS staff and CONCUR expect that cross-interest group work teams may be an important way to develop constructive, integrative work products. The aim of such work teams is to encourage multi-interest options and work products rather than work products put forward by a single bloc or interest group. These caucuses may be region- and/or interest-based.
- As appropriate, opportunities will be provided during TRT meetings for caucusing within and across interest groups.

Media Contact and Contact with Political Representatives

- TRT members contacted by the media are encouraged to direct these inquiries to the NMFS Public Affairs Office, which will share the TRT roster upon request.
- Media representatives inquiring about the TRT process will be referred to approved meeting summaries. TRT members may talk to media representatives concerning their own views about the issues being discussed by the TRT. However:
 - TRT members agree not to attribute specific comments to particular individuals, nor to characterize the views of others; and
 - TRT members agree not to portray ideas as consensus before the TRT has explicitly agreed on them.

Information Sharing and Joint Fact Finding

- TRT members recognize that the TRT project depends on using the best readily available information.
- TRT members commit to identify information needs in a timely fashion and to contribute in framing needs for additional research and analysis.
- TRT members commit to share, and not withhold, relevant information. Preliminary information will be treated as such.
- NMFS staff and CONCUR commit to provide, to the extent practicable, all meeting materials at least one week ahead of time in order to give TRT members ample time to review the relevant information. All TRT members will have equal access to meeting materials.

TRT Communication Protocols

- TRT members wishing to send email correspondences or documents to the full TRT are requested to send these through the facilitation team and the convenor.

Role of Facilitation Team

- The TRT facilitation team (CONCUR, Inc.) is non-partisan and will not act as an advocate for particular outcomes. The facilitators will strive to ensure that all TRT members clearly articulate their respective interests and to assist members to complete their work in a well-informed and efficient fashion.

- The role of the facilitator includes drafting draft agendas, chairing informal meetings and committee discussions, working to resolve any impasses that may arise, facilitating consensus building, preparing meeting summaries, assisting in the location of meetings, circulating background materials and other important information to the TRT members, and other requests relevant to the TRT process.
- The TRT facilitation team will prepare Key Outcomes Memoranda (KOMs) to summarize the main results of the TRT meetings. These KOMs will endeavor to summarize key decisions made, issues discussed, and the next steps identified for moving the process forward. They will not serve as a transcript of the meetings. The facilitators will strive to prepare KOMs within two weeks of the meetings. The facilitators will typically not invite comment on the KOMs; nor will formal approval of KOMs be agendaized at the TRT meetings.
- In the event that TRT members believe the KOMs significantly misrepresent particular decisions, issues, or next steps discussed in such a way that will impede the TRT process, they are requested to notify the project facilitators and convenors. The project facilitators and convenors will review the matter and use their professional judgment to determine if a revision to the KOM is in order. If so, they will prepare a revised KOM and distribute it in a timely fashion to all TRT members.
- The TRT facilitation team will serve as the primary secretariat in assisting parties to develop modifications to the Take Reduction Plan. The Take Reduction Plan, unlike the Key Outcomes Memoranda, will be subject to detailed review and approval by all TRT members.