

**OPERATING AGREEMENT
FOR THE ST. CROIX CROSSING
PROBLEM-SOLVING PROCESS**

PURPOSE

1. To facilitate a common understanding of the transportation, environmental and historic preservation issues among the government and non-government stakeholders;
2. To define the various solutions (including transportation alternatives) to these issues by exploring the advantages and disadvantages of each solution
3. To arrive, if possible, at a consensus
4. To reach agreement among permitting/cooperating/core agencies on the components of the supplemental draft environmental impact statement for the long-term bridge project and on the related regulatory conclusions, among them:

Section 7 of the Wild and Scenic River Act
Section 106 of the Historic Preservation Act
Section 4f of the USDOT ACT
Local concurrence

Specific issues under consideration include, but will not be limited to:

New Bridge Alternatives	Long-Term Alternatives for Lift Bridge
Mitigation Associated with Alternatives	Integration of Federal Mandates
Criteria for Selecting a Preferred Alternative	Local Concurrence for Transportation Projects

ROLES

Group Members

The group members will:

- engage in a thoughtful, thorough deliberation
- advocate for the interests of his/her agency
- share relevant information with the other group members
- keep constituencies informed and advocate within constituent organizations for support of the group's work
- keep the group informed about constituent perspectives
- work to identify promising options
- openly discuss and evaluate those options
- refrain from undermining group recommendations and reports
- secure approval within the organization for permission (within limits) to negotiate an agreement
- explicitly inform the group when the limits of authority are reached
- elevate issues within the organization as a way of addressing the limitation

Membership

The group will include:

Rick Arnebeck, Minnesota Department of Transportation*
Don Gutkowski, Wisconsin Department of Transportation*
Scott Humrickhouse, Wisconsin Department of Natural Resources*
Steve Johnson, Minnesota Department of Natural Resources*
Dennis Gimmestad, Minnesota State Historic Preservation Office*
Rick Bernstein, Wisconsin State Historic Preservation Office*
Jay Kimble, City of Stillwater*
Mary McComber, City of Oak Park Heights*
Tom Bradley, National Park Service*
Cheryl Martin, Federal Highway Administration*

Dan Seemon, US Army Corps of Engineers*
Roger Weibusch, US Coast Guard*
Virginia Laszewski, US EPA*
Laura Dean, Advisory Council on Historic Preservation*
Nick Rowse, US Fish and Wildlife Service*
Brian McMahon, Preservation Alliance of Minnesota
Howard Lieberman, Stillwater Heritage Preservation Commission
Larry Kennedy, St. Croix River Association
Tod Drescher, Friends of the St. Croix
Jim Laskin, Stillwater Area Chamber of Commerce
Mat Hollinshead, Sierra Club
John Soderberg, St Croix Alliance for an Interstate Bridge
Tim Ramberg, St Croix County Highway Commission
Howard LaVenture, Town of St. Joseph
Don Empson, Stillwater Lift Bridge Association
Bill Berndt, Board of Realtors
Steve Thorne, Minnesota Center for Environmental Advocacy
Stan Narusiewicz, New St. Croix Bridge Coalition

Those named above will attend the meetings and will not send alternates unless absolutely necessary, and then only if the alternate is fully advised of the group's work and the group is advised in advance.

If the full group – permitting/cooperating/core agency members and other stakeholders – cannot reach consensus, the permitting/cooperating/core agency representatives, as enumerated above (*), are expected to participate in the final consensus-building effort as indicated in the schedule.

Should any organization or representative wish to withdraw from the process, they will provide a written explanation to the group.

Mediators

Mediators from RESOLVE will design work session agendas and conduct the meetings. The mediators will remain impartial – not favoring any particular outcome. The mediators are responsible to the whole group and not to one member or interest. RESOLVE will distribute draft meeting summaries and provide an opportunity for the group to review and finalize each summary. Final summaries will be made available to the public.

Public Input

The group will work with the lead transportation agencies (Minnesota Department of Transportation and Wisconsin Department of Transportation) to hold public meetings that satisfy NEPA, WEPA and MEPA public involvement requirements and the public involvement requirements of other laws and regulations. These include scoping meetings; meetings to discuss alternatives prior to selection of a preferred alternative and the Draft Supplemental Environmental Impact Statement (DEIS); public meetings to present and take feedback about the preferred alternative; and a formal public hearing on the DEIS. The group may advise the agencies to conduct additional public involvement.

DECISION MAKING AND DELIBERATION

The group's highest goal is consensus. A consensus agreement is one that all group members can support, built by identifying and exploring all parties' interests and by developing an outcome that satisfies these interests to the greatest extent possible. To enhance creativity during meetings, individuals are not expected to restrict themselves to the prior positions held by their organizations, agencies or constituencies. The goal of the meetings is to have frank and open discussion of the topics in question and the options to address the topics. Therefore, ideas raised in the process of the dialogue, prior to agreement by the whole group, are for discussion

purposes only and should not be construed to reflect the position of a member or to prematurely commit the group.

If consensus is not possible, the permitting/cooperating/core agencies will work to build a consensus of their own, using the whole group's deliberation as the basis for their work. Finally, if full agency consensus is not possible, the lead agencies may use the group's work to make decisions in line with their regulatory authority and in keeping with the limitations of that authority.

The participants agree to use this venue to attempt to resolve all questions associated with the St. Croix Crossing. At the same time, the participants recognize that there are other venues for addressing their concerns, including the formal comment periods associated with state and Federal environmental review processes. Participation in this problem-solving process does not preempt participation in any other venue.

Federal environmental streamlining offers the opportunity for Federal agencies to coordinate their work and to resolve differences that could impede the consensus-building work. In addition, state agencies are expected to coordinate their efforts and resolve differences at the highest levels of state government. The policy advisory group, specified below, is one venue for resolving any differences.

COMMUNICATION WITH OTHER GROUPS, INDIVIDUALS AND THE MEDIA

Group members wish to maintain an environment that promotes open, frank and constructive discussion. Members recognize that such an environment must be built on mutual respect and trust, and each commits to avoid actions that would damage that trust. Therefore, the meeting sessions of the full group and subcommittees are closed working sessions unless the group decides otherwise.

In communicating about the group's work, including communicating with the press, each member agrees to speak only for herself or himself; to avoid characterizing the personal position or comments of other participants; and to always be thoughtful of the impact that specific public statements may have on the group and its ability to complete its work. No one will speak for any group as a whole without the consensus of that group. Should anyone wish the group to release information to the press, the group will do so only through a mutually agreeable statement, drafted by consensus of all of that group's members.

The mediators and the technical advisory team will assist the group in scheduling and conducting press briefings and public involvement events. The problem-solving schedule includes milestones for public participation. The group will also work to keep elected officials informed of the progress of the problem-solving process, including periodic electronic updates.

DISCUSSION GUIDELINES

The following guidelines encourage productive deliberation. Group members will commit to best efforts at following them and will give the mediators the authority to enforce them:

OPENNESS

- To other points of view
- To outcome
- To all representatives

LISTENING

- Focus on each speaker rather than prepare your response
- No interruptions

FAIRNESS

- Speak briefly
- Everyone participates

RESPECT

- Disagree without being disagreeable
- No personal attacks

COMMITMENT

- Prepare for each session
- Attend each session
- Honor the agenda and make agenda changes with the whole group
- Begin and end on time
- Get up to speed if didn't attend

All parties agree to act in good faith in all aspects of the group deliberations, to conduct themselves in a manner that promotes joint problem solving and collaboration, and to consider the input and viewpoint of other participants. Members agree not to use specific offers, positions, or statements made by another member during non-public discussions for any other purpose not previously agreed to in writing by the Members involved. Personal attacks will not be tolerated. Negative generalizations are not productive and have the potential to impede the ability of the group to reach consensus. All members will be given an equal opportunity to be heard with the intention of encouraging the free and open exchange of ideas, views, and information prior to achieving consensus.

Members and other participants are requested not to bring beepers or cellular telephones into the meetings.

SUBCOMMITTEES

It will be necessary for the groups to establish subcommittees to explore topics, develop proposals, resolve differences, etc.

Process Advisory Committee

The mediator will establish a Process Advisory Committee to assist the mediators to develop agendas and guide the decision-making process.

Technical Advisory Team (Project Staff Team)

The staff team, including transportation, historic preservation and environmental interests and any consultants hired to assist in the problem-solving process, will work to provide important information to the group to successfully accomplish meeting agendas.

Policy Advisory Team

A high-level team of agency representatives will convene periodically to measure the progress of the consensus-building efforts, assess the relationship between the negotiation outcomes and the regulatory and policy requirements. The team will work to resolve policy differences that the group may elevate to them.

Other Meetings and Discussions

Meetings in support of the process (whether a meeting among a subset of agencies or a meeting of advocates with a shared perspective) are expected and are encouraged so long as they do not preempt the group's deliberations.

DRAFT SCHEDULE AND MILESTONES

As part of this process, all participating organizations recognize that they are part of a decision-making process and not a study or data collection effort. Further, they accept that funds used for study come from the same source as the funds for the transportation project and for mitigation. In keeping with this perspective, all agree to use existing information whenever possible, to streamline necessary data collection efforts, to allocate financial resources carefully and to work diligently to make the following schedule possible:

Problem Solving Group Process	
Activity	Dates
Opening Meeting <ul style="list-style-type: none"> • Affirm purpose, process, participation, etc. • Meeting schedule 	June 10, 2003
Meeting #2 <ul style="list-style-type: none"> • Range of Options 	June 30, 2003
Meeting #3 <ul style="list-style-type: none"> • Transportation Options – New and Lift Bridges • Environmental Review 	July, 2003
Meeting #4 <ul style="list-style-type: none"> • Transportation Options • Environmental Review • Mitigation Options • Review – Updated Draft Scoping Document (Revised, Amended, Supplemental) and Scoping Decision Document 	September, 2003
Meeting #5 <ul style="list-style-type: none"> • Evaluating Options 	October, 2003
Meeting #6 <ul style="list-style-type: none"> • Alternatives Evaluation 	November, 2003
Meeting #7 <ul style="list-style-type: none"> • Alternatives Evaluation • Building on the Most Viable Options 	January, 2004
Meeting #8 <ul style="list-style-type: none"> • Consensus Building – Preferred Alternative 	February, 2004
Meeting #9 <ul style="list-style-type: none"> • Consensus Building – Preferred Alternative 	March, 2004
Meeting #10 <ul style="list-style-type: none"> • Consensus Building – Preferred Alternative 	July, 2004
Meeting #11 <ul style="list-style-type: none"> • Revisions Based on Public Comment • Implementation Issues • Final Agreement 	October, 2004