MIDDLE SNAKE RIVER WATERSHED ADVISORY GROUP OPERATING PROCEDURES

ARTICLE I -- AUTHORITY FOR CREATION

Creation of the Middle Snake River Watershed Advisory Group (MSR WAG) is authorized pursuant to Idaho Code §39-3615. The term for which the MSR WAG shall exist is perpetual or until dissolved by the Director of the Idaho Department of Environmental Quality (Department) or enactment of the Idaho State Legislature.

ARTICLE II -- AREA OF RESPONSIBILITY (WATERSHED)

The MSR WAG shall exercise its duties and responsibilities for the Middle Snake River between Milner Dam and King Hill (the watershed), as indicated on the attached map. This shall include appropriate drainages identified by the MSR WAG, which includes Rock Creek, Cedar Draw, Deep Creek, Mud Creek, Salmon Falls Creek, Clover Creek, and other smaller drainages.

COMMENT: Mid-Snake TMDL, April 25, 1997, p. 12:"The Middle Snake River Watershed Management Area includes HUCs 17040212 (Upper Snake Rock) and 17040213 (Salmon Falls Creek)."

ARTICLE III -- WAG MEMBERSHIP

As required by Idaho Code §39-3615, the MSR WAG shall be representative of the industries and interests affected by the management of the watershed, along with representatives of local government and the land managing or regulatory agencies with an interest in the management of the watershed and the quality of the water bodies within it. Further, pursuant to Idaho Code §39-3615, each member of the MSR WAG shall serve and shall not be reimbursed by the State of Idaho or the MSR WAG for their expenses during their term of service. Membership in the MSR WAG shall be open to all industries and interests within the watershed.

ARTICLE IV -- EXECUTIVE BOARD MEMBERSHIP

The Executive Board (Board) of the MSR WAG shall be composed of eleven (11) voting members and additional advisory members. The membership shall be as follows:

Mid Snake Watershed Interest	*Status*
1. Irrigated Agriculture	Voting
2. Aquaculture	Voting
3. Confined Animal Feeding Operations (CAFOs)	Voting
4. Municipalities (Waste Treatment Plants)	Voting
5. Hydropower	Voting
6. Food Processors	Voting
7. Livestock/Grazing	Voting
8. Recreation	Voting
9. Conservation	Voting
10. Soil Conservation Districts	Voting
11. Middle Snake Regional Water Resource Commission	Voting
12. State land managing and regulatory agencies (including DEQ)	Advisory
13. Federal land managing and regulatory agencies (including EPA)	Advisory
14. Local government representatives	Advisory
15. Logging	None Voting
16. Concerned Citizen Representative	None Voting

[*January 18, 1998, a motion was made, seconded, and unanimously approved (19 present) to change the "nine (9)" to "eleven (11)"; January 21, 1998, a motion was made and seconded that Logging needs to be represented on the Board. Discussion revealed that a representative for Logging may not always be present at the meetings. The motion was tabled for the next MSR WAG meeting; February 25, 1998, no representative for Logging was present. After some discussion, a motion was made and seconded that an additional seat on the Board representing Logging was not needed at this time, with the caveat that if the Board sees a need in the future for filling such an interest, the Board will search for a representative for Logging. The MSR WAG also decided to keep logging interests informed of the activities of the MSR WAG by sending such individuals copies of the minutes; March 18, 1998, Logging representative requested that logging interest be represented in the Board even though the over impact on the watershed was minimal.*]

[A Concerned Citizen Representative is defined as a representative of those citizens in the subbasin that do not necessarily align or belong to any particular stakeholder industry. However, they do have interests in the water quality of the subbasin and in seeing cleanup projects formulated by the MSR WAG to address those water quality concerns. To some extent the various stakeholder industries have a portion of their constituents that represent concerned citizens. However, these concerned citizens are definitively aligned or are members of that industry.]

Voting Board members shall be chosen by a caucus of the MSR WAG member(s), and shall generally be representative of the interests within the watershed. Up to two (2) alternates may be chosen at the discretion of their respective voting Board member. Alternates shall not be denied their right to represent their industry on the Board when called upon due to absence of their voting Board member. Voting Board members and alternates shall serve at the pleasure of their respective caucuses and until a successor is chosen by the caucus. Vacancies on the Board shall be filled by the respective caucus. Each caucus must provide the name of its voting Board member and any alternates, including periodic changes, to the Chairman.

[*March 18, 1998, motion was made, seconded, no discussion, unanimous approval to clarify the first sentence about the voting Board members and the two alternates. The concern was that the alternates do not need to be approved by the Board.*]

The Board may increase its size and change its representative structure as needed upon a simple majority vote of the Board members. While not required, it is strongly encouraged that any interest proposing to have voting privileges on the Board should have a proactive plan to enhance water quality in the watershed for their interest and assist in securing or providing necessary funding for the MSR WAG, including the Facilitator. Recommendations for changes in the Board's structure may be received or solicited from the Upper Snake River Basin Advisory Group.

ARTICLE V -- DUTIES

The duties of the MSR WAG, as set forth in Idaho Code §39-3611, §39-3615 and §39-3616, and as a consequence in the development and implementation of total maximum daily loads or equivalent processes on water bodies described in Idaho Code §39-3609, §39-3610, §39-3615 and §39-3616, are:

1. To generally advise the Department on the development and implementation of total maximum daily loads (TMDLs) and other state water quality plans, including those specific actions needed to control point and nonpoint sources of pollution within the watershed;

2. To recommend those specific actions needed to control point and nonpoint sources of pollution within the watersheds of those water bodies where designated beneficial uses are not fully supported (§39-3615) so that, within reasonable periods of time, designated beneficial uses are fully supported and other state water quality plans are achieved (§39-3616);

3. Watershed advisory groups shall develop and recommend actions needed to effectively control sources of pollution (§39-3616);

4. To take those actions pertinent to TMDLs as described in Idaho Code §39-3611, including providing advice, guidance and recommendations to the Director on such actions. Total maximum daily load processes developed pursuant to Idaho Code §39-3611 shall include, but not be limited to:

    a. Identification of pollutant(s) impacting the water body;

    b. An inventory of all point and nonpoint sources of the identified pollutant, if practical, or an analysis of the land types, land uses and geographical features within the watershed that may be contributing identified pollutants to the water body;

    c. An analysis of why current control strategies are not effective in assuring full support of designated beneficial uses;

    d. A plan to monitor and evaluate progress toward water quality progress and to ascertain when designated beneficial uses will be fully supported;

    e. Pollution control strategies for both point sources and nonpoint sources for reducing those sources of pollution;

    f. Identification of the period of time necessary to achieve full support of designated beneficial uses; and

    g. An adequate margin of safety to account for uncertainty. Point source discharges for which an National Pollutant Discharge Elimination System (NPDES) permit is approved after January 1, 1995, shall be deemed to have met the requirements of Idaho Code §39-3611.

5. To develop and recommend actions needed to effectively control sources of pollution within the watershed, as described in chapter 36, title 39, Idaho Code.

In exercising its duties, the MSR WAG and the Director shall employ all means of public involvement deemed necessary or required in chapter 52, title 67, Idaho Code, and shall cooperate fully with the public involvement or planning processes of other appropriate public agencies (§39-3616).

As the statutory responsibilities of the MSR WAG are modified by the legislature through changes in Idaho Code §39-3601 et seq., the operating procedures (bylaws) will reflect those changes without the need for amendments as stipulated in Article XIII. As those statutory changes are made, a more current set of operating procedures will be provided to the membership.

[*March 18, 1998: Change in Idaho Code §39-3601 et seq.; April 1, 1999: Motion presented to MSR WAG for consideration; May 19, 1999: Unanimous approval by MSR WAG*.]

ARTICLE VI -- MEETING PLACE AND PURPOSE

The regular meeting place of the MSR WAG shall be the local Department office building, or as otherwise designated by the Chairman and/or the Board.

No more than one (1) monthly meeting will be devoted on an annual basis to operational (bylaw) changes and considerations. A Bylaws Committee may be formed to expedite any serious or long-term concerns. The majority of the meetings will be devoted to water quality concerns, TMDLs, or those duties defined in Article V for the areas defined in Article II. Any additional duties or responsibilities beyond those defined

in Idaho Code §39-3601 et seq. may be considered and evaluated at the pleasure of the general membership or the Board, but subject to Article VIII in its consensus process.

> [*July 1998: Many MSR WAG members expressed discontent about having too many meetings that were not directed at water quality issues; April 1, 1999: Motion presented to MSR WAG for consideration; May 19, 1999: Unanimous approval by MSR WAG.*]

ARTICLE VII -- MEETING TIMES AND NOTICE

Regular meetings of the MSR WAG will be held quarterly (February, May, August and November) or as necessary and will be scheduled in advance over the course of the year. Notice of scheduled meetings shall be provided to each MSR WAG member following the regular February meeting each year. The agenda for each regular meeting shall be posted in a prominent place at the regular or designated meeting place at least forty-eight (48) hours prior to each regular meeting and shall be mailed to each MSR WAG member at least seven (7) days prior to each regular meeting.

Special meetings of the MSR WAG may be called by the Chairman as necessary to conduct required business. Notice and the agenda of special meetings shall be provided to each MSR WAG member at least twenty-four (24) hours prior to the meeting, unless an emergency exists. The notice must include the meeting date, time, place and purpose of the special meeting. A good faith effort shall be made to provide notice of special meetings through news media in the watershed.

Notice of regular and special meetings of the MSR WAG shall also be deemed to be notice of meetings of the Board.

ARTICLE VIII -- DECISIONS BY CONSENSUS

Actions of the MSR WAG must be approved by a consensus of the MSR WAG members and the general public present at a properly noticed meeting. The Chairman shall determine whether interests are sufficiently represented at a meeting to constitute a quorum. In making decisions on proposed actions, every reasonable effort is to be made to attempt to reach a consensus by unanimity among the MSR WAG members and the general public, with the assistance of the MSR WAG Facilitator. However, when this is not possible, the Chairman, after consultation with the Facilitator, may refer the matter to the Board for further action and a vote. A matter shall not be referred to the Board for a lack of consensus until it has been considered at at least one (1) previous MSR WAG meeting.

ARTICLE IX -- BOARD ACTIONS

Questions and other matters before the MSR WAG may be referred to the Board by the Chairman upon a failure of the MSR WAG members and the general public to reach a consensus on a particular matter. A matter shall not be referred to the Board for a lack of consensus until it has been considered at at least one (1) previous MSR WAG meeting and every reasonable attempt has been made to reach a consensus by unanimity among the MSR WAG members and the general public. Actions of the Board require a 2/3 majority approval of the voting Board members. Provided that, in the event a Board member or alternate fails to attend two (2) consecutive meetings, the voting privileges of such Board member shall be suspended at each subsequent meeting until the Board member or alternate again attends a meeting.

The Board shall, in conjunction with the Department, have authority to administer any funding or money received by the MSR WAG and apply for and administer grants needed for carrying out its duties, including improving water quality in the watershed.

ARTICLE X -- CHAIRMAN AND VICE-CHAIRMAN

The Chairman and Vice-Chairman of the MSR WAG and Board shall be nominated from among the general members of the MSR WAG during the regular February meeting of each even-numbered year.

The MSR WAG shall approve the nominations by a simple majority vote during the regular February meeting of each even-numbered year. The Board shall approve the nominations by a simple majority vote as soon after the voting by the MSR WAG. The Chairman and Vice-Chairman shall serve a term of two (2) years. The Chairman or Vice-Chairman may be removed by the Board whenever in its judgment the best interests of the MSR WAG would be served thereby and only upon a 2/3 majority vote of the Board members. The Chairman and Vice-Chairman shall serve until a successor is elected.

Any permanent vacancy in the Chairman or Vice-Chairman position shall be filled in the same manner as ordinary elections for the remainder of any unexpired term. When the Chairman is absent from a meeting, the Vice Chairman shall assume the duties of the Chairman. When the Vice-Chairman acts in the position of the Chairman, the Vice-Chairman may vote to break a tie vote. If both the Chairman and Vice-Chairman are absent from a meeting, a temporary acting Chairman shall be selected from among the members of the Board by the MSR WAG to exercise the duties of the Chairman at such meeting.

The Chairman shall be responsible for conducting meetings of the Board and the MSR WAG. The Chairman shall cast one vote in the event of a tie vote from within the Board and when there are no other possible resolutions. The Chairman shall be the liaison and approve and sign formal correspondence to the Upper Snake River Basin Advisory Group, the Director of the Department, the Director of the U.S. Environmental Protection Agency, and other entities as necessary or as directed by the MSR WAG. The Chairman shall also supervise the activities of the Facilitator and take all other actions directed by the MSR WAG.

ARTICLE XI -- FACILITATOR

The MSR WAG Facilitator shall be nominated by a simple majority vote of the Board members and must be approved by a simple majority of the MSR WAG. The Facilitator may be removed by the Board whenever in its judgment the best interests of the MSR WAG would be served thereby and only upon a 2/3 vote of the Board members.

The Facilitator may be a paid position. Compensation for the Facilitator, if any, shall be set by the Board and may be adjusted periodically by a 2/3 vote of the Board. The Facilitator may not be a member of the MSR WAG.

The Facilitator shall be responsible for assisting MSR WAG members in fulfilling the duties of the MSR WAG. The Facilitator shall attempt to foster consensus among the MSR WAG members on water quality issues within the watershed and recommendations to the Director and the Department.

In addition, the Facilitator shall be responsible for: reviewing minutes of MSR WAG meetings; facilitating dispute resolution between MSR WAG members, including Board members; assisting in formulation of meeting agendas; drafting of formal correspondence from the MSR WAG; and over-viewing MSR WAG mailings sent out by the Department at the MSR WAG's request.

The Facilitator shall assist the MSR WAG in developing proposed changes to the organizational structure of the MSR WAG in a manner that insures that all MSR WAG members have the opportunity to provide meaningful input to the MSR WAG. In addition, the Facilitator shall provide liaison between parties as necessary or requested by the MSR WAG or the Chairman.

The Facilitator must at all times maintain a neutral position and an unbiased attitude regarding water quality issues and other matters under consideration by the MSR WAG. The Facilitator must attempt to resolve personality conflicts and should strive to operate in a manner acceptable to all MSR WAG members.

ARTICLE XII -- TECHNICAL ASSISTANCE

As necessary, the MSR WAG, through its Chairman and Facilitator, shall enlist the Department's cooperation in providing technical assistance to the MSR WAG to include, but not limited to: compilation and mailing of minutes, agendas and membership lists; drafting of documents relating to the duties of the MSR WAG; drafting of recommendations to the Director and the Department; and providing periodic reports to the MSR WAG on water quality matters.

As part of that technical assistance, the Department may allow (where appropriate) the use of their WAG-BAG Secretary to serve as the secretary to the MSR WAG. The secretary will have the following responsibilities: (1) The secretary shall keep the minutes of all the regular constituted meetings by recording them and transcribing them; (2) The secretary shall pay bills as required that have been approved by the Chairman and the Department; (3) The secretary shall maintain correspondence on behalf of the MSR WAG and shall keep the Chairman informed of any new correspondence directed towards the MSR WAG; (4) The secretary shall perform any additional secretarial duties and functions as they are developed by the MSR WAG, Chairman, and Department; and (5) The secretary will serve for a period of two (2) years and may be reinstated every two (2) years if the MSR WAG and Chairman so desire.

A technical advisory committee (or TAC) may be formed at any time by the Department or the Chairman for the express purpose of providing technical expertise on technical issues that involve water quality in the subbasin. The TAC will be represented by the scientists and technical experts from the various stakeholder industries and agencies and will provide "technical advice" to the Department. Their technical expertise will be deemed as advice to the Department as provided in the §39-3601 statute, and shall not be construed as anything other than technical advice to the Department. Members of the TAC will not be held liable for any advice that the Department decides to accept relative to water quality issues in the subbasin.

ARTICLE XIII -- AMENDMENTS

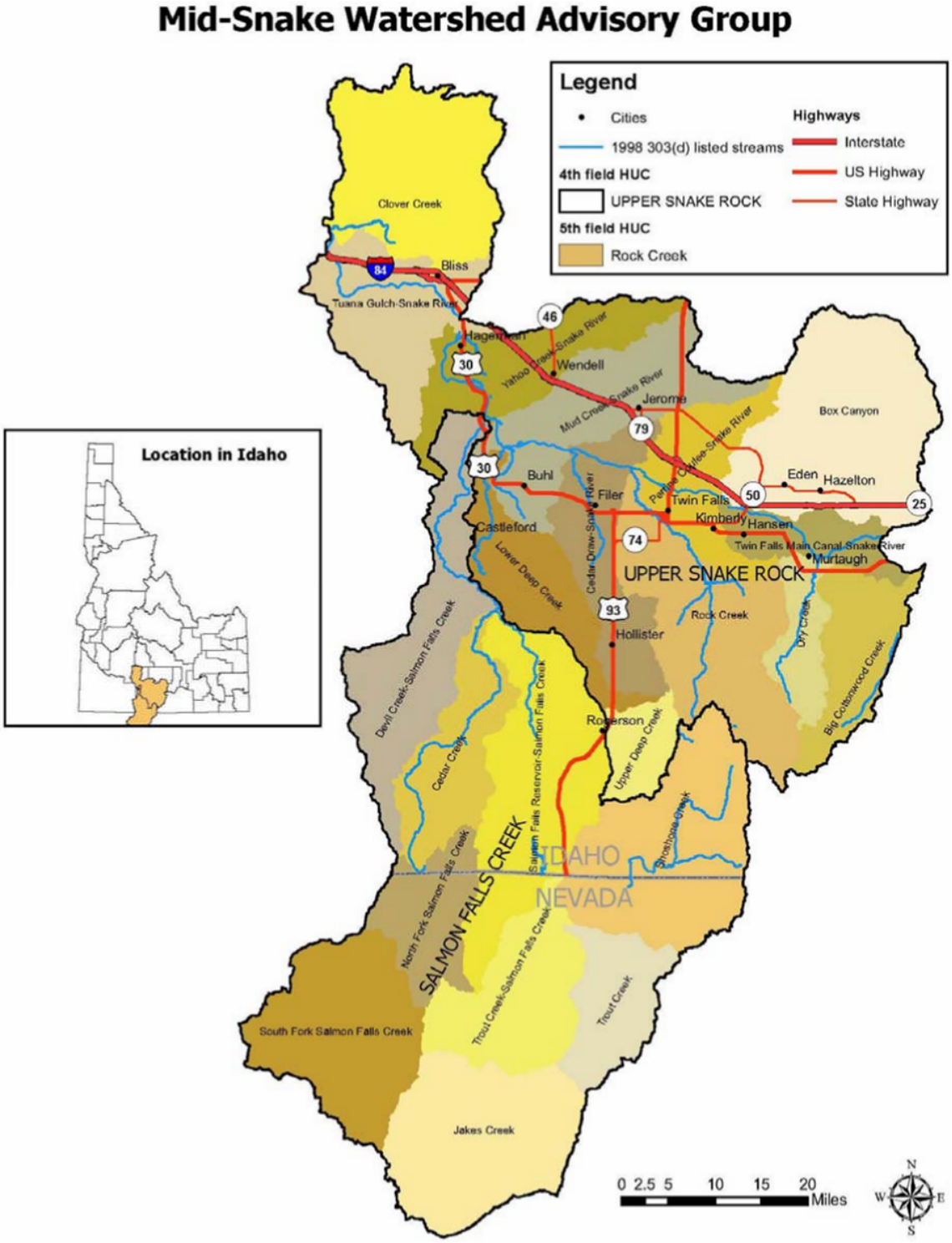
These Operating Procedures may be amended by a 2/3 vote of the MSR WAG members present at a properly noticed meeting of the MSR WAG. Proposed amendments must be submitted to the membership in written form accompanied by a proper motion at least one (1) regular meeting prior to being voted upon.

ARTICLE XIV -- CERTIFICATION

I hereby certify that the initial Operating Procedures of the MSR WAG were adopted by the MSR WAG, upon a simple majority vote.

DATED this __7___ day of _November_____, 1996.
MIDDLE SNAKE RIVER WATERSHED ADVISORY GROUP

By: *MIKE TRABERT, Chairman*


Mid-Snake Watershed Advisory Group
Legend
Cities
1998 303(d) listed streams
4th field HUC
UPPER SNAKE ROCK
5th field HUC
Rock Creek
Highways
Interstate
US Highway
State Highway
Location in Idaho
Clover Creek
Bliss
Tuana Gulch-Snake River
Hagerman
Wendell
Yahoo Creek-Snake River
Mud Creek-Snake River
Jerome
Box Canyon
Perrine Coulee-Snake River
Buhl
Filer
Cedar Draw-Snake River
Twin Falls
Eden
Hazelton
Kimberly
Hansen
Twin Falls Main Canal-Snake River
Murtaugh
Castleford
Lower Deep Creek
UPPER SNAKE ROCK
Rock Creek
Dry Creek
Hollister
Big Cottonwood Creek
Devil Creek-Salmon Falls Creek
Salmon Falls Reservoir-Salmon Falls Creek
Rogerson
Upper Deep Creek
Cedar Creek
Shoshone Creek
SALMON FALLS CREEK
IDAHO
NEVADA
North Fork Salmon Falls Creek
Trout Creek-Salmon Falls Creek
Trout Creek
South Fork Salmon Falls Creek
Jakes Creek
0 2.5 5 10 15 20 Miles
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W
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S

APPROVED AMENDMENTS

Operating Procedures of the MSR WAG were amended by the MSR WAG, upon a simple majority vote.

DATED this 17th day of November , 2004
MIDDLE SNAKE RIVER WATERSHED ADVISORY GROUP

LARRY PENNINGTON, Chairman

- The Department of Health and Welfare was changed to the Department of Environmental Quality throughout the document.
- TMDL was added throughout the document as an acronym for total maximum daily loads.
- Specific creeks were identified and added to the last line of Article II.
- Article VII – Concerned Citizen Representative was added as #16 to the list of Mid Snake Watershed Interests and a definition of a Concerned Citizen Representative was also added to Article VII.
- Two paragraphs were added to Article XI: the first dealing with the Department allowing secretarial services to the WAG and the second dealing with a technical advisory committee (TAC).

Operating Procedures of the MSR WAG were amended by the MSR WAG, upon a simple majority vote.

DATED this 20th day of July , 2011
MIDDLE SNAKE RIVER WATERSHED ADVISORY GROUP

MIKE TRABERT, Chairman

- Article V – the physical address for the meeting place was removed and chairman and/or was added to the first paragraph. The current language is, "The regular meeting place of the MSR WAG shall be the local Idaho Department of Environmental Quality office building, or as otherwise designated by the chairman and/or the Board."
- Article VI – "Notice of scheduled meetings shall also be published in newspapers of general circulation in the watershed," was removed from the first paragraph; and ten (10) days was changed to seven (7) days.
- Article VI – the word "mailed" was replaced by "distributed" and the word "each" was removed from in front of MSR WAG members in all instances in the first and second paragraphs.
- A map of Upper Snake Rock and Salmon Falls Creek was added to the Operating Procedures as stated in Article II.

Operating Procedures of the MSR WAG were amended by the MSR WAG, upon a simple majority vote.

DATED this 14th day of May, 2014
MIDDLE SNAKE RIVER WATERSHED ADVISORY GROUP

MIKE TRABERT, Chairman

- Article VIII – Executive Board Membership was moved to be Article IV, and the articles were renumbered accordingly.
- All of the acronyms and aka's were made consistent throughout the document.
- In the last sentence in Article III "affected and interested parties" was changed to "industries and interests."
- In the first paragraph after Item 5 of Article IV, "to" was removed before "shall employ" and "and" was inserted before "shall cooperate."
- In Articles VIII and IX, each time MSR WAG members appears "and the general public" was added.