

Defending your Science and Data: Hydrologic Studies and Legal Considerations

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Key Points

- ▶ Collaboration
- ▶ Training
- ▶ Standardized Procedures
- ▶ Prepare for Testimony

Collaboration and Transparency

- ▶ With stakeholders
 - ▶ Water Rights Advisory Work Group
 - ▶ WRAP Users Group - Resolved Technical Issues
 - ▶ Environmental Flows Implementation Guidelines
- ▶ During the application process
 - ▶ Pre-application meetings
 - ▶ Technical Meetings

Technical Review

- ▶ Understand the legal and policy basis for a review prior to beginning the review
 - ▶ Relevant statutes and agency rules and how they apply to the review
 - ▶ Agency policies and any legal precedent from similar types of applications
- ▶ Consistency!

Standardized Procedures

- ▶ Training
 - ▶ Standard operating procedures (SOP) that address all relevant legal and technical requirements for processing different types of applications
 - ▶ Checklists
 - ▶ Regularly update procedures to include new science, law, or precedent



Training

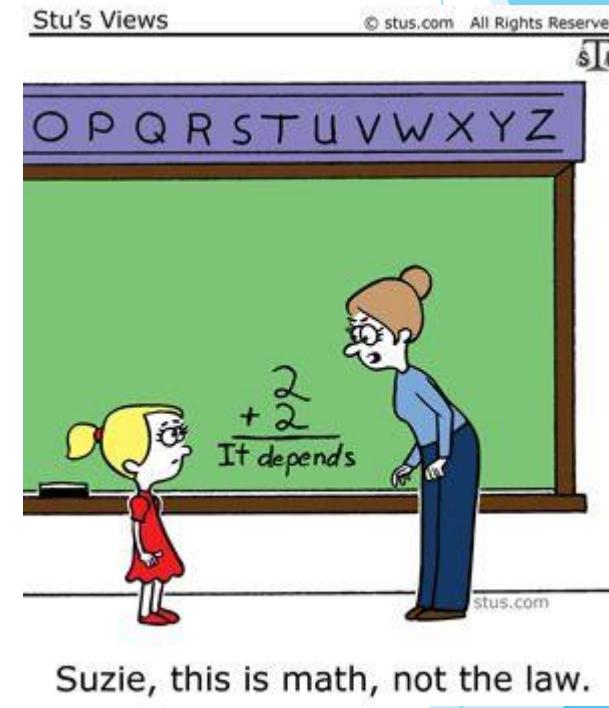
- ▶ Targeted training on technical, legal, and policy issues
 - ▶ Modeling training
 - ▶ Basin-specific training
- ▶ Weekly team meetings to consistently share new information (and unusual cases) within technical groups
- ▶ Weekly staff meetings to share information across technical groups
- ▶ Peer, management, and legal review and comment on work products and issues

Choose the right expert witness

- ▶ Training by observing - witnesses and future potential witnesses spend time in hearings prior to their own first experience.
- ▶ Qualifying as an expert
 - ▶ Training and development to ensure that staff is provided the background necessary to be qualified as an expert in the subject matter
 - ▶ Staff must be confident and credible

Testimony

- ▶ Know the particulars of the technical review and how it fits into the bigger picture - background procedures and precedent
- ▶ Review all of the information in the file including reports and studies provided by applicants or protesting parties and any filed comments or other filings
- ▶ Agency position and completing the record



Testimony

- ▶ Staff involvement in all phases of the process
- ▶ Practice sessions are important!
 - ▶ Know which questions you are qualified to answer and how to respond to questions that are outside of your expertise.
 - ▶ Prepare for tricky questions (i.e. multi-part questions, questions based on incorrect assumptions etc.)



Questions?