



TRUSTEES

Melvin Lane
Chairman
Judith E. Ayres
Thomas Decker
Claire T. Dedrick
Thomas W. Gwyn
Mary Nichols
Ray Remy
Richard Wilson

FORMER TRUSTEES

John Bryson
Denis Hayes
Norman Livermore

PRESIDENT

Joseph Bodovitz

VICE PRESIDENT

Tish Sprague

CALFED Governance Workshop

Sacramento, California

June 16, 1999

Workshop Summary and Background Material

400 Capitol Mall • Suite 1860 • Sacramento • CA 95814

PHONE

916 • 442 • 4880

FAX

916 • 553 • 4539

E - 0 0 6 9 4 9

CALFED Governance Workshop

Sacramento, California

June 16, 1999

Table of Contents

Highlights

Workshop Summary

Appendices

- A. Workshop Agenda
- B. Suggested questions provided by key stakeholders to workshop speakers
- C. Background material on the Northwest Power Planning Council
- D. "Science Serving Restoration: Lesson from our Alaskan Oil Spill,"
outline by Robert Spies
- E. "Developing Watershed Restoration Institutions,"
outline by Professor Paul Sabatier

CALFED Governance Workshop
Sacramento, California
June 16, 1999

Highlights

Background

At the request of the CALFED Bay-Delta Program, the California Environmental Trust (CET) held a series of meetings culminating in a day-long workshop on governance issues facing CALFED. These concerned issues on structuring an overall means of carrying out the CALFED Program and on structuring an entity to implement the ecosystem restoration component of CALFED. Funding for this effort has been generously provided by the James Irvine Foundation and the David and Lucile Packard Foundation.

Key Messages

As it moves from planning to implementation, CALFED will need to find ways to formalize its structure, provide greater certainty in overseeing future directions, and ensure accountability without losing its current attributes of flexibility, adaptiveness to changing needs and opportunities, and inclusivity.

Below are some of the key messages that emerged from the speakers and attendees during the course of the workshop that are discussed in more detail in the attached workshop summary.

1. There will be a need in the future for greater legislative authority underlining CALFED governance structures, both overall and in terms of implementing the ecosystem restoration element of the program.
 - Legislative involvement will help to ensure long-term support, funding, and authority for CALFED actions.
 - Collaboration must be based on a statutory framework in order to be stable.
 - A public benefit corporation or a 501(c)(3) entity is too apolitical for meeting the needs of CALFED.

2. Public participation and inclusive processes are vital for success.
 - The future governance structure or structures must facilitate networks among agencies and stakeholders to set and accomplish agreed upon objectives.
 - While a hierarchical governance structure will provide accountability, a “network” structure, reaching horizontally across agencies and interest groups, may be necessary for effective implementation of ecosystem restoration.
 - Local interests must be given a significant role in restoration efforts with non-local actors primarily facilitating these efforts.

3. Adaptive management will be an essential component of CALFED implementation and structures must be designed to advance it in ways that give understanding and confidence in decision making.
 - In terms of adaptive management experiments, nothing has been attempted on the scale of the Bay-Delta; there are no pre-existing models from which to rely.
 - Adaptive management can only succeed when it is integrated into the governance institution and informed by a rigorous monitoring program.
 - Successful ecosystem restoration implementation within the adaptive management framework will require broad-based data collection and monitoring, a willingness to fail and learn from failures, and broad stakeholder involvement.
 - Independent peer review of science should occur to provide greater confidence in the use of adaptive management.
 - When there is scientific uncertainty in implementation, the approach must be to err on the side of the resource.

4. CALFED governance structures must be accountable; decisions and actions must be reported and justified.
 - Conflict and end runs will continue to occur regardless of governance structure.
 - Conflict must be used to promote learning.

5. Attitude and leadership are as important as the details of governance structures selected.

- Structure should be designed to enable, not stifle, strong leadership and constructive attitudes among agencies and stakeholders.
- Even without the right governance structure, attitude and leadership will be key to making the program work.

**CALFED GOVERNANCE WORKSHOP
SACRAMENTO, CALIFORNIA
JUNE 16, 1999**

WORKSHOP SUMMARY

Background

At the request of the CALFED Bay-Delta Program, the California Environmental Trust (CET) held a series of meetings culminating in a day-long workshop on governance issues facing CALFED. These concerned issues of structuring an overall means of carrying out the CALFED program and of structuring an entity to implement the ecosystem restoration component of CALFED. A series of meetings were facilitated by CET of key stakeholders and CALFED policy makers and staff prior to the workshop to narrow the issues and seek areas of agreement on select topics to best inform and advance CALFED deliberations. Additional work was conducted to identify those programs and individuals connected to them outside of California which have the most applicability to CALFED and future governance directions it might pursue.

About 75 people attended all or part of the workshop; they included state legislators, legislative staff, representatives of the federal and state agencies in CALFED, representatives of stakeholder groups, foundation executives, and other interested people. The workshop and work proceeding it resulted from requests by Secretary of the Interior Bruce Babbitt and CALFED Executive Director Lestor Snow, initially asking CET to explore whether California's leading philanthropic foundations might be willing to help move CALFED's work along.

Accordingly, three foundations—Hewlett, Irvine, and Packard—convened a dinner meeting of major stakeholder representatives and CALFED leaders last fall. At this meeting, there was general agreement that issues of governance, especially as it relates to ecosystem restoration, were taking on increasing importance, and that this involved a set of issues where independent foundation help could indeed play an important and useful role.

Working with CALFED leaders, the Bay-Delta Advisory Council Work Group on governance, and major stakeholders, CET arranged for the June 16 workshop. CET gratefully acknowledges the financial support of the James Irvine Foundation and the David and Lucile Packard Foundation in making this effort possible.

Opening of the Workshop

Joe Bodovitz, CET President, opened the morning session by explaining that this is part of an initial effort to help CALFED with governance issues. He said the consensus of the recent discussions was that the logical first step was to bring to California people with experience in managing state-federal water or ecosystem restoration programs in other areas, and researchers experienced in a variety of such projects.

Accordingly, the day's program was in three parts: two academic researchers offered their insights; four experienced executives from other areas explained the programs with which they were familiar; and California's Resources Secretary, and a panel of CALFED participants, provided their comments.

In all cases, the goal was to try to understand the experiences of other areas as they might apply to California's needs in terms of more formally structuring an ecosystem restoration entity and an overall governance system for CALFED implementation.

Lester Snow, Executive Director, CALFED Bay-Delta Program, outlined the structure of the Bay-Delta Program and described the integrated approach it was taking to addressing the four problem areas of: water supply; ecosystem degradation; water quality; and levee integrity. He explained that this integrated approach was being implemented through a Preferred Alternative with eight program elements. Implementation will occur in stages, and be informed by adaptive management. He underscored that financing and decision making or governance were key issues for successful implementation.

Theoretical Perspectives

Paul Sabatier, Professor of Environmental Science and Policy at the University of California, Davis, said that in structuring an ecosystem restoration entity, CALFED faces a number of challenges: the geographic scope of the program is immense, extending beyond the Bay-Delta; the science in watershed restoration is primitive; and habitat/species restoration is not the only goal. Three theoretical frameworks may inform CALFED's task of structuring an ecosystem restoration entity: the advocacy coalition framework; institutional rational choice theory; and the competition theory of learning.

1. The advocacy coalition framework assumes that interests will always seek advantage outside of the designed process. Resolving conflicts is difficult because participants have well-developed views around which they unite to the exclusion of contrary views and the demonization of their opponents. Resolving conflict may require a stalemate (in which everyone perceives the status quo as unacceptable), carefully-crafted institutions, a skillful mediation, or even a changing of the guard.

2. Institutional rational choice theory as applied to management of common property resources posits self-interested individuals operating with imperfect information whose behavior will be shaped by rules, community characteristics, and the characteristics of the resources in question. Lessons from common property management show centrally organized environmental management to be often unsuccessful because lacking in local buy-in and uninformed of local conditions. This commends governance crafted by diverse groups of locals with outside assistance, but not control, from non-local authorities.
3. The competition theory of learning holds that institutional learning occurs best when conflicting points of view are well-represented in open debate. This is best done through meetings composed of advocates and neutral parties.

From these three theoretical perspectives, the following implications can be drawn for CALFED ecosystem restoration governance. Conflict and end runs will continue to occur. Agencies and researchers involved in the CALFED process are not neutral, but rather are often aligned with interest groups. Because resolution of conflict will be difficult, it may have to occur with incremental steps. Local people should generally be given a significant voice in restoration efforts, with non-local actors primarily facilitating these efforts. Conflict may promote learning, as through multiple restoration entities.

This leads to the following caveats and recommendations. A public corporation or 501(c)(3) entity is too apolitical for CALFED's needs. A new federal/state entity may be too controversial to get off the ground. A state entity with some federal role may be best suited to CALFED's needs because the issues involved are primarily state issues with the need for state accountability, clear personnel and administrative rules could be developed, and the process could be initiated and proceed even if certain federal agencies moved more slowly. Scientific learning capabilities should be built into ecosystem restoration governance through monitoring and impact assessment.

Tim Duane, Professor of City and Regional Planning at the University of California, Berkeley, observed that in looking at CALFED governance, context is key. This context consists of a number of factors. First, federal and state laws concerning water quality, endangered species, and environmental review, among others, provide "background" that will frame and shape any governance institutions. Power relationships are in large part determined by this broader institutional context. Second, ecosystem restoration is a "public good." Among other things, this presents problems of financing, because a "user fee" cannot be assessed to pay for the provision of ecosystem services. Nonetheless, the environmental values being pursued by CALFED enjoy widespread support, as evidenced by the financial backing provided by Proposition 204. Third, the uncertainty of ecosystem restoration science will make assurances difficult to achieve. The rational planning model of the major federal environmental statutes of the late 1960s and early 1970s that frame the CALFED process, do not acknowledge the

uncertainty and variability of natural systems, as CALFED must in pursuing ecosystem restoration. Finally, there is a broad expectation of citizen and community participation in the planning process.

Successful ecosystem restoration implementation within an adaptive management framework will require broad-based data collection and monitoring, a willingness to fail, and broad stakeholder involvement. While a hierarchical governance structure will provide accountability, a "network" structure, reaching horizontally across agencies and interest groups, may be necessary for effective implementation of ecosystem restoration. This suggests a joint state/federal structure with stakeholder involvement that emphasizes the need for relationships across organizations. Such networking can be encouraged through the creation of incentives, such as funding for joint agency projects.

The Exxon Valdez Oil Spill Trustee Council

Robert Spies, Chief Scientist for the Exxon Valdez Oil Spill Trustee Council (EVOS), described the role scientific monitoring and research has played in that body's ecosystem restoration efforts. EVOS and CALFED are similar in that they address large geographic areas containing a multiplicity of natural resources about which there is much scientific uncertainty. EVOS and CALFED are different in that CALFED faces a more complex institutional environment, must respond to chronic (as against acute) environmental perturbations, and does not enjoy a dedicated funding source.

The institutional evolution of the Trustee Council was reviewed. Since 1993, the Trustee Council has, through annual work plans, given broad implementing direction to a restoration office headed by an executive director and assisted by a chief scientist to provide scientific review of projects. The strong ecosystem approach of the Council has fostered cooperation among the many different federal and state agencies involved.

The EVOS experience shows the following are critical elements for successful governance: independent staff that is relatively small; public participation; strong, independent peer review; strong agency participation; adaptive management; interdisciplinary ecosystem approach to science; and independent funding.

There are also keys to successful restoration science. Scientists must give up irrelevant pet projects in return for good funding and a sense of contributing to the larger effort. Policy makers must come to trust science in return for better prospects for achieving objectives. In implementation, when there is scientific uncertainty, the approach must be to error on the side of the resource.

The EVOS experience suggests that program administration should be agency-independent of individual federal and state agencies that have some programmatic responsibilities. This minimizes conflicts and overlapping responsibilities among agencies,

facilitates priority setting for ecosystem concerns, enables the best science to “rise to the top,” and breaks down interagency barriers, allowing greater participation of all interested parties. In addition, strong independent scientific and budgetary review is essential. Open competition improves the quality and efficiency of work. Public participation with open communication and access is essential to building public trust.

The Everglades

Terrence “Rock” Salt, Executive Director, South Florida Ecosystem Restoration Task Force, related the Task Force’s experiences in coordinating Everglades restoration policy and synchronizing restoration efforts among multiple levels of government. The history of the Task Force and the evolution of its structure to the present was described.

The Task Force is responsible for coordinating water management, ecosystem restoration, and, increasingly, management and planning of the built system, including agriculture and urban growth management. The legal authorities and processes for carrying out these responsibilities are defined in federal law. The state effort was organized by an executive order issued by the Governor that reflected distinctive and broader interests than the federal authority. Primary implementation responsibility for water resides with the state and its federal partner, the Army Corps of Engineers. Indeed, one of the key reasons for creating the Task Force was to coordinate the settlement of a lawsuit by the federal government against Florida alleging that mismanagement of water resources had resulted in harm to federal resources.

The experience of the Task Force has provided a number of lessons that may be informative for the CALFED process. First, Florida’s congressional delegation has provided bipartisan support for the restoration effort, reflecting broad agreement in Florida that Everglades restoration is vital. Agricultural and utility interests have been included in the process and support it. Second, political accountability is key. A single federal and a single state agency are responsible and held accountable for water management. Stakeholders play a purely advisory role. Third, sharing financial burdens is important. There is a 50/50 federal/state cost share for Everglades restoration. Fourth, federal statutes often help state officials move their state-based programs forward. Fifth, attitude and leadership are more important, ultimately, than structure.

California Observations: Mary Nichols

Mary Nichols, California Secretary for Resources, indicated that she is open to the variety of solutions and approaches that are being discussed for CALFED governance. She observed that the CALFED process had already fostered much collaboration among government agencies to go beyond their traditional roles to address ecosystem restoration. She stressed the need for an ecosystem restoration entity to be integrated with other CALFED entities to ensure continued recognition of interrelationships among program elements. She observed that legislation would probably be needed for creation of a joint state/federal governance structure and that federal and

state legislators would not rubber stamp a governance package. The Davis Administration, she stated, would probably favor the incremental approach of using current authorities and agencies, rather than creating a new entity with new regulatory authorities.

Colorado River Adaptive Management

Dan Tarlock, Professor of Law at Chicago-Kent College of Law, Illinois Institute of Technology, related the experiences in adaptive management in the operation of Glen Canyon Dam on the Colorado River for purposes of ecosystem restoration. He first described how Glen Canyon Dam trapped sediment, diminishing beach nourishment, and how its operation created steadier flows, increasing beach erosion downstream. He then recounted the history of efforts to address the problem by the Bureau of Reclamation and Western Area Power Administration. This evolved from denial of the problem in the early 1980s, to throwing money at the problem in the mid to late 1980s, to preparation of a full EIS for an ongoing project providing more periodic flood flows to rebuild beaches in the first half of the 1990s. Starting in 1996, experimental beach-rebuilding or flood flow was implemented based on the theory that sediment could be moved out of the tributaries with flows. This represented a stark departure from earlier consideration of constructing a slurry pipeline to transport sediment from the bottom of the dam to downstream areas.

Similarities and differences with CALFED were noted. Like CALFED, this instance of Colorado River adaptive management was ESA-driven, science-based, relied on stakeholder processes, and involved substantial vested rights claims to water. Unlike CALFED, the Glen Canyon experience involved only a narrow geographical area, a more informal and less focused stakeholder process, and vested rights claims that were somewhat easier to deal with or work around.

The Glen Canyon experience offers a number of insights that may be of use to CALFED. First, in terms of adaptive management experiments, nothing has been attempted on the scale of the Bay-Delta; there are no pre-existing models to turn to. Second, science itself will not provide a neutral management standard to guide implementation. Third, and positively, science can generate some meaningful regime or management changes, as evidenced by the switch to flood or beach-rebuilding flows in Glen Canyon. For this to happen, however, managers have to direct scientists so that scientists focus on management objectives. Then, managers have to listen to what the scientists report back. Fourth, science can show that problems can be addressed in ways that respect existing rights. In the case of Glen Canyon, the implementation of flood/beach-rebuilding flows did not overturn the regime of water rights governing the Colorado River. Fifth, the Glen Canyon experience shows that it is possible to restore the natural hydrology of water courses.

Tarlock briefly noted the efforts of the Murray-Darling Basin Initiative in Australia as providing a model that perhaps most closely approximates the Bay-Delta situation. Under the Initiative, a Ministerial Council, consisting of representatives of the federal and state contracting

governments, gives direction to a Commission that executes policies for running the river system. A Community Advisory Committee, consisting of stakeholders, advises the Council. Major actions taken to date include placing caps on diversions and setting environmental base flows. More information about the Initiative can be found on the Internet at <http://www.mdbc.gov.au>.

The Columbia Basin

John Volkman, Senior Policy Advisory, Natural Marine Fisheries Service Northwest Region, and General Counsel to the Northwest Power Planning Council until June 1999, described Columbia Basin governance and possible implications for CALFED. The background and evolution of the Northwest Power Planning Council was described. The Northwest Power Planning Council was created by an act of Congress that tasked the states of Idaho, Montana, Oregon, and Washington with developing plans for: (1) electric power and conservation; and (2) fish and wildlife conservation to guide federal agency actions in the Columbia Basin. The two different planning areas are only loosely connected by the requirement that fish and wildlife conservation not endanger energy supplies. The fish and wildlife planning process is driven by wildlife agencies and Indian tribes. The planning efforts have resulted in the creation of networking among agencies and interested parties.

Prompted by energy deregulation, difficulties of working within the constraints imposed by the ESA, and the question of tribal representation in decision making, governance reform has been considered in several fora within the last two years. First, tribal leaders, the four governors, and the Clinton Administration have convened the "Three Sovereigns Process," bringing together federal, state, and tribal governments to address the issues. Second, Congress called for a governance review and subsequently augmented the role of the Council, working with independent scientists. Finally, the four governors are discussing major governance reform. Within the same time frame, two independent reports reviewing Columbia Basin salmon recovery based on technological surrogates for functioning ecological processes concluded it has not been successful.

A number of lessons were drawn from this experience. First, recourse to major structural reform to address natural resource governance problems are predictable, but usually not very fruitful. Second, collaboration must be based on a statutory foundation in order to be stable, and the foundation will be easier to understand if it is based on a big idea rather than a series of small disconnected reforms. Third, adaptive management can only succeed when it is integrated into the governance institution and informed by a rigorous monitoring program. Fourth, regardless of governance structure, strong leadership is needed to make significant progress on difficult natural resource management issues.

Panel Discussion: Summary and Next Steps

Michael Mantell, Director of Special Projects, California Environmental Trust, opened the afternoon session by explaining that the experience of CALFED, in contrast to the resource management and planning approach of the late 1960s and 1970s, has been an exercise in ad hocery, emphasizing flexibility and adaptation through MOUs and informal arrangements among government agencies and stakeholders. The task before CALFED, as he saw it, was on deciding upon a course of action to continue this approach with some greater certainty, longevity, and formality, without significantly reducing the ability to anticipate and respond to changing needs and opportunities.

Brief statements were made by: Byron Buck, Executive Director, California Urban Water Agencies; Eze Burts, Co-Chair, BDAC Governance Work Group; Harrison Dunning, Co-Chair, BDAC Governance Work Group; Cynthia Koehler, Chair, Environmental Water Caucus Assurances Task Force; and Cliff Schulz, Chair, Ag-Urban Assurances & Finance Work Group.

There was general agreement on the following points. First, legislative support for formalizing the next phase of CALFED governance is desirable. Second, governance should provide opportunities for public participation and inclusivity. Third, independent peer review of science should occur, to provide greater confidence in its use for adaptive management and flexibility. Fourth, there must be accountability; actions must be reported and justified. Fifth, strong leadership is a most important ingredient for success, regardless of governance structure.

There was also a consensus that CET could continue to advance the CALFED process through public information programs to build public support for the program, continuing to identify and connect outside experts with CALFED, and other actions, and that support from philanthropic foundations would be desirable to assist CALFED policy makers and stakeholders in furthering these efforts.

Appendix A

Workshop Agenda


CALIFORNIA
ENVIRONMENTAL
TRUST


CALFED GOVERNANCE WORKSHOP
Holiday Inn Capitol Plaza
300 J Street, Sacramento, CA
June 16, 1999

TRUSTEES

Melvin Lane
Chairman
Judith E. Ayres
Thomas Decker
Claire T. Dedrick
Thomas W. Gwyn
Mary Nichols
Ray Remy
Richard Wilson

FORMER TRUSTEES

John Bryson
Denis Hayes
Norman Livermore

PRESIDENT

Joseph Bodovitz
VICE PRESIDENT
Tish Sprague

9:30 am

Welcome

Joe Bodovitz, California Environmental Trust

The CALFED Context

Lester Snow, Executive Director, CALFED Bay-Delta Program

10:00 am

Developing Watershed Restoration Institutions and Community Participation: Lessons for CALFED

Paul Sabatier, Department of Environmental Science and Policy, University of California, Davis

Timothy Duane, Department of City and Regional Planning, University of California, Berkeley

11:00 am

The Exxon Valdez Oil Spill Trustee Council: Lessons for CALFED

Robert Spies, Chief Scientist, Exxon Valdez Oil Spill Trustee Council

11:45 pm

The Everglades: Lessons for CALFED

Terrence Salt, Executive Director, South Florida Ecosystem Restoration Task Force

12:30 pm

Lunch

Mary Nichols, Secretary for Resources

1:30 pm

Colorado River Adaptive Management: Lessons for CALFED

Dan Tarlock, Chicago-Kent College of Law, Illinois Institute of Technology

2:15 pm

The Columbia Basin: Lessons for CALFED

John Volkman, Senior Policy Advisor, National Marine Fisheries Service Northwest Region

3:00 pm

Break

3:15 pm

Summary and Next Steps

Michael Mantell, California Environmental Trust

Byron Buck, Executive Director, California Urban Water Agencies

Eze Burts, Co-Chair, BDAC Governance Work Group

Harrison Dunning, Co-Chair, BDAC Governance Work Group

Cynthia Koehler, Chair, Environmental Water Caucus Assurances Task Force

Cliff Schulz, Chair, Ag-Urban Assurances & Finance Work Group

400 Capitol Mall • Suite 1860 • Sacramento • CA 95814

PHONE

916 • 442 • 4880

FAX

916 • 553 • 4539

Appendix B

**Suggested questions for panel members
to consider, prepared by Cynthia Koehler and Cliff Schulz**

CALFED GOVERNANCE WORKSHOP
Suggested Questions for Panel Members to Consider
Prior to the June 16 Workshop

BACKGROUND

The CALFED ecosystem restoration program ("ERP") is intended to be a comprehensive effort that will use an adaptive management approach so that the public and agencies can "learn as we go" rather than commit to a rigid plan at a single point in time. All parties agree that the restoration program should be guided by rigorous science but disagreement remains regarding not only the appropriate solutions, but how to use the scientific information that is available.

Currently, responsibility for the Bay-Delta ecosystem is spread among many different state and federal agencies, each with its own funding sources and statutory mandates that govern functions and priorities. Currently, there are various efforts to informally coordinate among these agencies, particularly through the Interagency Ecological Program ("IEP") and what is known as the Ecosystem Roundtable. Assuming that the CALFED is striving to establish the ERP as a rigorous, scientifically based program that will bring together as many of these disparate activities into a coordinated whole as possible -- while still leaving in place the regulatory responsibilities of the existing agencies -- please address the following issues.

I. An Ecosystem Restoration Implementing Entity

A. Responsibility for Implementing the Long-Term Ecosystem Restoration Program

Virtually all participants in the CALFED process agree that the success of the restoration element of the CALFED program will turn on having an entity with clear responsibility for implementing the program and achieving its performance objectives, as well as the legal, political and financial means to accomplish this. A major issue has been whether to create a new entity or to task an existing agency to take on this additional responsibility. The stakeholders are in substantial agreement that a new entity would be the most efficient way to proceed, but are aware of the significant political and institutional obstacles to such an approach. The CALFED agencies are more reticent about the establishment of a new entity of some kind.

1. Have you similarly faced the question of whether or not to try and establish a new entity to conduct a restoration or similar program? What decision was made in your particular experience?
2. If you have been involved in the establishment of a new entity, how would you describe its success in terms of achieving whatever goals were at issue? To which factors do you attribute such success (or lack of it)?
3. What were the critical obstacles to the establishment of such a new entity? How were

they overcome? What obstacles could not be overcome?

4. To what extent was political feasibility a significant issue in either the establishment of a new entity or a decision not to try to establish a new entity?
5. To the extent that the program with which you are familiar is being implemented by an existing agency(ies), how would you rate its success in achieving the program goals? To which factors do you attribute such success (or lack of it)?
6. Some participants in the CALFED process are concerned that the overriding goals of the program do not get subordinated to individual goals of the member entities. Others are concerned that a new institution will preclude resource agencies from enforcing their existing environmental mandates. Have you encountered similar tensions in the efforts with which you are familiar? How have they been addressed? Would you say they have been successful?

B. Consolidation of Efforts

1. Did the program with which you are most familiar have to struggle with the issue of fragmented responsibility and the need to bring together a number of distinct restoration programs and/or mandates in a single, coordinated package? Alternatively, are you aware of programs outside of your immediate experience that faced this issue?
2. If so, can you describe how such consolidation was accomplished? Did you establish some sort of new entity to carry out the program or did you expand upon the existing powers and authorities of one or more already existing entities?
3. What was lost and/or gained in such consolidation of efforts?
4. Do you think that the effort to consolidate efforts successful overall? If so what, in your opinion, were the primary elements that contributed to success?
5. If the effort was not successful, what were the factors contributing to the problems? Are such factors, if any, likely to be at issue in the CALFED situation or do you think they were/are unique to the other effort? Is there anything you would recommend to CALFED to ensure that such problems are not repeated here?

C. Governance of a Long-Term Ecosystem Restoration Entity

Assuming that CALFED pursues the option of proposing the establishment of some sort of new entity, a major issue will be the governance of such an institution. The stakeholders are in substantial agreement that, at the very least, such a new entity must somehow provide for a clear federal/state partnership and a meaningful role for stakeholders.

1. Did the effort with which you are most familiar involve a similar issue as far as crafting a way to achieve a federal/state partnership?
2. Are you familiar with precedents for such partnerships and how they were structured to comply with both state and federal laws?
3. Can you share with us examples of state and/or federal legislation that, in your opinion, would have a reasonable chance of success?
4. To the extent that you are not familiar with precedents for a state/federal partnership around an ecosystem restoration enterprise, is it your view that the type of federal/state partnership we are considering as part of CALFED is legally infeasible? Or do you believe that such a partnership could be structured even in the absence of significant precedents?

D. Role of Stakeholders in a Long-Term Restoration Program

1. What do you believe is the appropriate role of stakeholders in the management of programs such as the CALFED ERP? In your experience, has stakeholder participation in governance been a benefit or a hindrance in terms of achieving the program goals?
2. How has stakeholder involvement been structured in connection with the restoration efforts with which you are familiar?
3. A concern is balancing stakeholder "buy in" and confidence in the CALFED process against avoiding politicization of what should be a largely science driven process. Have you encountered this issue in your experience and if so, how well (or how poorly) has the program(s) with which you are familiar handled these tensions?

E. Role of Science in A Long-Term Restoration Program

As indicated above, all parties expect the restoration program to evolve over time in response to data and new information. Thus, the program is intended to serve two compatible but not necessarily identical issues; improving the environment as we learn more about how it functions.

1. To what extent is it possible to isolate the scientific process of adaptively managing and deciding what ecosystem projects should receive priority consideration for funding and implementation from political or other diversions?
2. What institutional approaches, if any, will assist in providing, some degree of isolation, and is such isolation desirable?
3. How did the program(s) with which you are familiar establish goals and objectives, i.e.,

how did you determine how much restoration was "enough"?

4. How did you determine how much data or other scientific information is necessary or appropriate in order to make policy decisions? Is "certainty" required? Or some lesser standard?

F. Tools Available to the Restoration Entity

Key to the success of the ERP will be the ability of whatever entity implements the program to have the tools that it needs at its disposal, primarily funding, the provision of water for the environment and appropriate remedies.

1. If you have experience with some sort of newly created entity for ecosystem restoration or similar purposes, how is such entity funded? Is there any type of long-term funding mechanism?
2. Did the entity(ies) with which you are familiar have any particular access to water for the environment either in the form of water transfers, environmental water rights, or other means? How well do (did) those tools work? What other tools to provide environmental water can you recommend, if any?
3. What recourse is there, for the entity or the public, in the event that the restoration effort falls substantially short of its goals? How would you recommend CALFED address this possibility?

II. An Overarching CALFED Entity

The ERP is just one of several elements of the overall CALFED program. Other programs include water supply and water quality, enhancement, levee protection, water conservation and recycling, and similar efforts. These programs are intended to be implemented in a manner that is balanced with the ERP so that all water user groups in the State achieve continuing progress in meeting each of their needs. Because of this structure, an overall governance structure needs to be developed for CALFED's implementation phase. Issues have been raised concerning what functions should be delegated to this overall governance body and what functions should be left with the entities that will be responsible for on the ground implementation of the CALFED program.

1. Have you encountered or addressed a similar type of situation?
2. What kind of stakeholder participation should there be in the overall governance of the CALFED program?
3. How could dispute resolution between program elements best take place? The stakeholders have urged CALFED decision makers to consider not only a hierarchical

structure, but also means of strengthening lateral communication and working relationships so that all but the most fundamental disputes are resolved by and between the implementing agencies themselves rather than resort to appeal to the overall structure on a regular basis. What do you think of this concept?

4. What kinds of tension do you foresee between the overall governance entity and the entity managing the ERP or any of the other implementing entities? Are they primarily financial or would you anticipate that the overall governance entity become involved in the adaptive management decisions and project priority setting?

Appendix C

**Background Material on the
Northwest Planning Council**

Monday June 21, 1999



WHAT IS THE COUNCIL?

The Northwest Power Planning Council is a four-state compact formed by Idaho, Montana, Oregon and Washington to oversee electric power system planning and fish and wildlife recovery in the Columbia River Basin. The Council was initiated by Congress through approval of the Northwest Power Act of 1980 (Public Law 96-501). Key to the Council's mandates is the directive to carry out its activities in a public forum.

Frequently Asked Questions

History

Operations and Accountability

People

Links

Offices

Addresses and telephone numbers



Frequently Asked Questions

Q. What is the Council?

A. The Council is an agency of the states of Idaho, Montana, Oregon and Washington, created by federal law to conduct long-range energy and fish and wildlife planning.

Q. When was the Council created, and what does it do?

A. The Council was created by the consent of the four state legislatures under the authority of the Pacific Northwest Electric Power Planning and Conservation Act of 1980. President Jimmy Carter signed the Northwest Power Act in December 1980, and the Council met for the first time in April 1981. In the Northwest Power Act, the Council is given three distinct charges: 1) prepare a regional conservation and electric power plan to meet future energy needs giving first priority to cost-effective energy conservation and second priority to cost-effective renewable resources; 2) prepare a program to protect, mitigate and enhance fish and wildlife, including spawning grounds and habitat, on the Columbia River and its tributaries; and 3) ensure widespread public involvement in the formulation of the power plan and the fish and wildlife program.

Q. Who's on the Council?

A. The Council has eight members, two from each of the four states. Members are appointed by the governors.

Q. How long do members serve?

A. Terms are three years, but members serve at the pleasure of the governors.

Q. Where are the Council's offices?

A. The Council maintains several offices. Council headquarters are in Portland. Council member offices are located in Portland and Pendleton, Oregon; Olympia and Pullman, Washington; Boise, Idaho, and Helena, Montana.

Q. How is the Council funded?

A. The Council's funding comes from a small portion of the electricity rates charged by the Bonneville Power Administration. The Northwest Power Act says the Bonneville administrator shall pay the compensation and other expenses of the Council at the Council's request, not to exceed a certain amount, which is based on a formula specified in the Northwest Power Act.

Q. What is the Council's annual budget?

A. In Fiscal Year 1996: \$8,033,000 (\$2,474,000 for the state offices and \$5,559,000 for the central office). This is 0.08 mill per kilowatt-hour of Bonneville's wholesale power cost (26 mills per kilowatt-hour).

Q. How many people work at the Council?

A. In Fiscal Year 1996: 43.8 full-time equivalents (FTEs) in the central office and 27.1 FTEs in the state offices.

Q. What authority does the Council have?

A. The Council is not a utility, and it is not a regulatory agency. The Council's authority is best

described in terms of what others are required to do in response to the Council's power plan and fish and wildlife program. Under the Northwest Power Act, the administrator of the Bonneville Power Administration must conduct the affairs of Bonneville in a manner consistent with the Council's power and fish and wildlife plans. In addition, Bonneville and other federal agencies responsible for managing, operating or regulating federal or non-federal hydroelectric projects on the Columbia River or its tributaries must exercise their responsibilities in a manner that provides "equitable treatment for fish and wildlife with the other purposes of the projects, while taking the program into account... at every relevant stage of decision-making to the fullest extent practicable." The Council does not have the authority to order these agencies to implement the plan or program.

Q. What is the Council's relationship to electric utilities?

A. The Council has no direct authority over utilities. However, the Council works closely with all Northwest utilities and state regulatory commissions. State regulatory agencies require utilities to prepare least-cost energy plans like the Council's.

Q. Does the Council ever amend its fish and wildlife program and power plan? If so, how often?

A. The Northwest Power Act requires the Council to review its Northwest Power Plan at least once every five years. The Council considers the plan and the fish and wildlife program to go hand in hand, and in fact both the plan and the program have been reviewed and amended more frequently than every five years. The current power plan was released in draft form by the Council in March 1996, and the current fish and wildlife program dates to 1994, but the Council plans to amend it in 1997-1998.

About fish and wildlife

Q. The Council seems to make a big deal about salmon. Why?

A. The Northwest Power Act directs the Council to prepare a program to protect, mitigate and enhance fish and wildlife of the Columbia River Basin -- all fish and wildlife, not just salmon. But the Northwest Power Act also specifically mentions anadromous fish -- salmon, steelhead, and by definition, lesser-known anadromous fish including lamprey and sturgeon -- as being particularly important in the Northwest. Section 2.6 of the Northwest Power Act states, in part, that anadromous fish "are of significant importance to the social and economic well-being of the Pacific Northwest and the nation."

Q. Some of the acronyms for Columbia River Basin fish forums sound like alphabet soup, what are they?

A. There are many groups and organizations that are working towards fish and wildlife recovery. [Here is a list of some of them.](#)

Q. How much is spent on fish and wildlife recovery every year?

A. In September 1996, the Clinton administration signed an agreement with federal agencies that establishes Bonneville's fish and wildlife budget for the next six years at the following amount: \$252 million per year for capital improvements, such as fish ladders and screens at the dams, and other projects; and \$183 million (when water supplies in the Columbia River Basin are average) for lost hydropower income as the result of storing water during winter for release during the spring and summer to aid salmon migration. The total, in an average water year, is \$435 million.

Q. What are the causes of the salmon decline in the Columbia River Basin?

A. There is no single cause. Impacts occurred throughout the basin. Hydroelectric and irrigation dams --

and the reservoirs they create -- took a toll. Commercial and sport fishing killed millions of fish. Hatcheries, designed as a solution to the decline, actually contributed to the problem by introducing diseases and competitor fish that can overwhelm salmon in spawning streams. Other fishery management decisions sometimes favored one salmon stock at the expense of others. Irrigated farming leaves many streams too dry for salmon to reproduce in, and unscreened water diversions can draw fish out into fields. Logging, mining and livestock grazing destroy salmon habitat by eliminating water-protecting plants along streams and causing silt to clog spawning beds. Water use by cities and towns, and municipal and industrial pollution also limit the productivity of streams. Even natural events, such as flooding, landslides and drought, inflict a toll on fish.

About energy

Q. As the energy industry becomes more competitive nationwide and in the Northwest, will the Council's power planning responsibilities be affected?

A. Yes. The 20-member steering committee appointed by the four Northwest governors to study the future of the region's energy system discussed the future role of the Council, or a similar body. According to the Comprehensive Review steering committee, the Council's role could include: 1) monitoring and evaluating reliability of the regional power system and recommending corrective actions, if necessary; 2) providing information, evaluation and analysis of the evolving marketplace to ensure full, fair and effective competition; 3) suggesting regional goals for conservation and renewable resources, tracking and reporting on progress toward those goals and recommending steps to overcome obstacles; 4) analysis of resource-related issues where the resource affects more than one state, and coordination of multistate implementation efforts; 5) providing a mechanism for public and industry involvement in fish and wildlife decisions and deciding how money from the power system would be spent on fish and wildlife projects; and 6) informing and involving the public on energy matters that affect them, their environment and their economy.

Q. What is the status of the Council's power plan?

A. The Council released its Draft Fourth Northwest Conservation and Electric Power Plan in March 1996, and expects to complete the plan in 1997. The Council waited until the Comprehensive Review of the Northwest Energy System was completed so recommendations from that review can be addressed in the plan.

Q. What is the future of energy conservation in a competitive energy marketplace?

A. Competitive pressures make it more difficult for utilities to secure conservation as they have in the past. That is because some forms of energy conservation are more expensive than new types of energy generation, particularly natural gas-fired power plants. However, even if electricity rates stay the same or come down a little, there remains a lot of conservation that is a sound economic and environmental investment.

Northwest utilities, working with the Council and the Bonneville Power Administration have formed the Northwest Energy Efficiency Alliance to work together to influence the market for more efficient goods and services. The recommendations from the Comprehensive Review of the Northwest Energy System include a utility system's benefits set aside of 3 percent of power sales revenues to pay for conservation, renewable resources and low-income energy services.

Q. Is there a future for renewable energy, such as solar, wind and geothermal power, in the Northwest?

A. As with conservation, in a competitive energy marketplace the primary issue for these resources is cost. However, these are important resources because they are alternatives to fossil fuels, and their availability can protect us from large increases in fuel prices. They also are more environmentally benign than some other resources. But they also are expensive compared to new gas-fired generating plants. If the cost of fossil-fueled power plants increases -- a carbon tax could be imposed, for example,

or fuel prices could increase -- renewable resources will be in a position to compete. So The draft power plan calls for a strategy of research and demonstration so that the region will have better and more cost-efficient technologies to choose from when we turn to renewables. The steering committee of the Comprehensive Review of the Northwest Energy System recommended in December 1996 that utilities voluntarily contribute an amount equal to 3 percent of their gross revenues to pay for conservation and renewable resource development in the future.



History of the NW Power Planning Council

The Northwest Power Planning Council was created by Congress to give the citizens of Idaho, Montana, Oregon and Washington a stronger voice in determining the future of key resources common to all four states -- namely, the electricity generated at and fish and wildlife affected by the Columbia River Basin hydropower dams.

The Council is a unique organization that helps the Pacific Northwest states make critical decisions that balance the multiple purposes of the Columbia River and its tributaries.

The Council is funded by wholesale power revenues from the Bonneville Power Administration, the federal agency that markets the electricity generated at federal dams on the Columbia River.

The Council was authorized in the Northwest Power Act of 1980 and approved by a vote of the legislatures of all four states. The governor of each state appoints two members to serve on the Council. The Power Act contains three principal mandates for the Council to carry out:

- Develop a 20-year electric power plan that will guarantee adequate and reliable energy at the lowest economic and environmental cost to the Northwest.
 - Energy conservation, renewable resources, such as wind power, solar, geothermal and biomass, and high-efficiency resources, such as those that use heat from manufacturing processes to also generate electricity, are listed in the Power Act as priorities.
- Develop a program to protect and rebuild fish and wildlife populations affected by hydropower development in the Columbia River Basin.
- Conduct an extensive program to educate and involve the public in the Council's decision-making processes.

The plans and policies the council develops and approves are implemented by numerous agencies including:

- The Bonneville Power Administration;
- The U.S. Army Corps of Engineers;
- The Bureau of Reclamation; and,
- The Federal Energy Regulatory Commission.

State, tribal and local governments often work closely with the Council as it develops its power and fish and wildlife plans, and these entities also implement measures in those plans. The power plan and fish and wildlife program are updated at least every five years.





OFFICES OF THE GOVERNORS

PHILIP E. BATT
Idaho

MARC RACICOT
Montana

JOHN A. KITZHABER
Oregon

GARY LOCKE
Washington

July 15, 1998

To interested parties:

For many years, observers of the Columbia River have argued that the river's governance should be streamlined to eliminate duplication, confusion and conflict. The concern was present even when the river was viewed primarily as a system of dams to be managed for energy production, flood control, navigation, and irrigation water. In recent years, the concern has deepened as the river's fish and wildlife populations have declined, fish and wildlife mitigation activities have moved into high gear, and water quality concerns have mounted.

If Congress considers legislation that arises out of restructuring in the energy industry, the Columbia River may be drawn into the debate because it is such an important supplier of energy. Legislation could affect whether the region keeps the benefits of the Columbia River - not just energy, but fish, wildlife, flood control, navigation, irrigation and other uses. A number of ideas for river governance have already been suggested in congressional and regional forums.

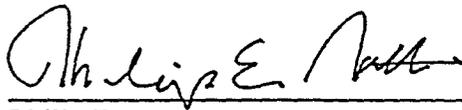
We want to invite you to join us in this discussion of Columbia River governance as part of our effort to identify a potential legislative proposal for this region (see our attached Statement of Intention for further context). To start the discussion, we have attached a set of five different approaches that have come up in our conversations so far. **The key issues in these proposals revolve around three central concepts: the mission for a governing entity, its authority, and its pattern of representation, which are reflected in the attached table.** We don't intend to limit discussion to these alternatives, however; we are not convinced that any one of them is the ideal answer. Rather, we hope to spur your thinking: is one of these approaches more useful than the others? Is there a combination of approaches that would make more sense? Should the region begin with one alternative and phase into another? Are there other approaches to consider?

We hope you will send us comments on these questions. For convenience, please address your comments to us, care of the Northwest Power Planning Council, 851 S. W. Sixth Ave., Portland, Oregon 97204, or e-mailing to comments@nwppc.org. Please label your comments "River Governance" and submit them by August 21, 1998.

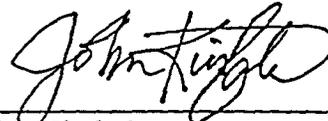
While we are hearing from you, we also intend to consult with experienced regional experts, the region's other sovereigns including the region's Indian tribes, legislative leaders and stakeholders. We want to hear a broad spectrum of opinion before deciding whether to advance a river governance proposal. We plan to complete these consultations in September and make a determination in November, if not before, whether to advance such a proposal.

Even as we begin this discussion, the governors are working actively with the federal government and the tribes in the Three Sovereigns process. We remain committed to carry on with that process in good faith, and are deliberating with those parties to determine the future course of that effort. We are still of a mind that the region would benefit from the establishment of an inclusive forum that aims for consensus positions for the region on Columbia River issues. In initiating this governance discussion, we are asking whether a consensus-building process is likely to be enough, whether statutory change is needed, or whether the region needs both.

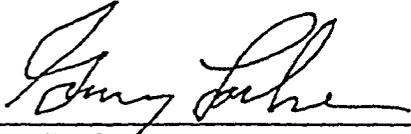
We look forward to hearing from you.



Philip Batt
Governor of the State of Idaho



John Kitzhaber
Governor of the State of Oregon



Gary Locke
Governor of the State of Washington



Marc Racicot
Governor of the State of Montana



OFFICES OF THE GOVERNORS

PHILIP E. BATT
Idaho

MARC RACICOT
Montana

JOHN A. KITZHABER
Oregon

GARY LOCKE
Washington

Statement of Intention

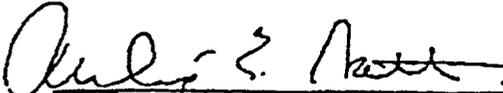
Over the next few years, decisions will be made that will influence the region's economy, the Columbia River Basin, and the Basin's resources for many years to come. The Governors intend to play an active role in these decisions, including in the area of river governance. The Governors are convinced that the Columbia River can be managed in a more integrated, responsive and accountable way. The Three Sovereigns process is working toward this objective, and the Governors are supporting that work. At the same time, the Governors are convinced that they must work actively to bring the region into the governance debate to ensure that the region comes together on a common position and that these matters not be determined solely at the national level. A common, regional approach to river governance is vital, and the Governors are committed to finding it.

ACCORDINGLY, the Governors are committed to take the following steps:

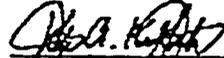
1. The Three Sovereigns process has generated useful information and analysis, and is providing a valuable demonstration of collaboration among the states, tribes and federal agencies. The Governors are committed to carry on with that process in good faith. The Governors will deliberate with the tribes and federal agencies after the close of the public comment period to determine the future course of this effort. At this time, the Governors are still of a mind that the region would benefit from the establishment of an inclusive forum to recommend consensus positions for the region on Columbia River issues.
2. Regardless of the outcome of the Three Sovereigns process, the Governors believe that eventually a river governance framework may need to be legislated by the U. S. Congress and approved by state legislatures, a process that could take several years. Without taking anything away from their commitment to working further with federal and tribal parties, the Governors have chosen to initiate a complementary inquiry into whether, over the long term, sound governance of the Columbia River system can best be achieved through a new statutory structure. This inquiry will consider a variety of governance structures that could be put into place through legislation.
3. To initiate this work, the Governors will direct their staffs, working with the staff of the Power Planning Council, to prepare legislative options for discussion. Each Governor will appoint one of his staff as the contact for this work. The staffs will be directed to prepare a series of draft options by July 1.
4. The Governors will designate a group of experienced regional experts to provide advice, counsel, and recommendations on governance concepts that could be developed into legislative

proposals. The Governors intend to conduct government-to-government consultations with other sovereigns in the region, and also to consult with legislative leaders, stakeholders, and members of the public before advancing a legislative proposal on river governance.

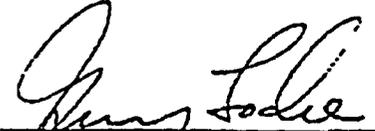
5. This fall, the Governors will meet to consider the major elements of a Northwest chapter for energy restructuring legislation, a feature of which may be river governance. With respect to the governance feature, the Governors will consider legislative proposals for river governance and the product of the Three Sovereigns process.

 5-27-98

Philip Batt Date:
Governor of the State of Idaho

 5-28-98

John Kitzhaber Date:
Governor of the State of Oregon

 June 2, 1998

Gary Locke Date:
Governor of the State of Washington

 5-26-98

Marc Racicot Date:
Governor of the State of Montana

Models for Columbia River Governance

Introduction

This paper outlines options for governance reform on the Columbia River. Section A briefly describes existing governance arrangements on the river. Section B outlines a series of models that would change the *status quo*, and describes them in two ways. First, each model is described in nuts-and-bolts terms – what, who and how the model would function. The models are then analyzed in light of several assumptions: (1) Governance models should address definable problems; (2) the nature of the problem should supply a rationale for conferring certain powers (those that are needed to address the problem); and (3) the problem and the powers conferred suggest a pattern of representation.

A. The Status Quo

Historically, river management meant dam management, primarily by federal institutions. The Army Corps of Engineers and the U. S. Bureau of Reclamation manage the dams for multi-purpose operations; the Bonneville Power Administration manages federal power marketing; and the Federal Energy Regulatory Commission licenses non-federal hydropower projects. Management was driven largely but not exclusively by power operations, which produce economic benefits that spread throughout the region, especially to other river users: irrigators, barge companies, cities that are protected from floods, and others. Under a treaty with Canada called the Columbia River Treaty, several major storage reservoirs in the U. S. and Canada are regulated primarily for hydropower generation and flood control. Columbia and lower Snake project operations are coordinated to complement treaty operations.

However, river management has never been an exclusively federal domain. States manage permitting processes for water diversions from the river, and instream flow programs in tributaries. Depending on state law, diversions and instream flows can become water rights, usually privately owned. Significant water diversions occur in the Columbia's mainstem, but are more significant in tributaries.

The river's fish and wildlife are managed through a different set of institutions. Historically, the four Northwest states managed hunting and fishing. In the 1960s and 70s, Indian tribes and federal courts became major players in harvest management through Indian treaty litigation. Since this litigation, the states and the tribes have developed cooperative harvest management regimes.

There is a shorter history of managing the effects of development on fish and wildlife. When the salmon runs first declined with the effects of dams, water use, habitat degradation and harvest, the first response was to build fish hatcheries, often federally funded hatcheries managed by state and federal fish and wildlife agencies. Decades later in Indian treaty litigation, tribes urged that salmon habitat was entitled to protection from the effects of dams and other development. Since 1980, the Northwest Power Planning Council's fish and wildlife program has identified measures to mitigate the effects of hydropower development. The Council's fish and wildlife program is based on the

recommendations of disparate fish and wildlife managers, and must balance power supply needs. Bonneville must act consistent with the council plan, while other federal hydropower agencies must take the program into account "to the fullest extent practicable." At the same time, the Council plan must be consistent with federal law if it is to be implemented.

Since 1990, the river's management has been strongly influenced by the Endangered Species Act, which requires federal agencies to conserve species listed under the Act. Since 1993, the dams have been operated under Endangered Species Act guidelines set out in National Marine Fisheries Service "biological opinions." Federal land management, hatcheries and harvest are also guided by biological opinions. The listings led to pronounced increases in Bonneville Power Administration fish and wildlife spending and in the stored water that is used for salmon flows. Both things come at a time when federal hydropower sales face competition in energy markets.

To summarize:

- Much of the management of the Columbia's mainstem is oriented to purposes such as hydropower, flood control, navigation, irrigation, etc., which are largely federal or federally-administered.
- Since 1980, an interstate body, the Northwest Power Planning Council, has developed a program to mitigate the fish and wildlife effects of the federal dams, ensure the region's power supply, and guide the investment of federal hydropower revenues in fish and wildlife mitigation. This plan is based on the recommendations of disparate federal, state and tribal fish and wildlife managers.
- Since 1990, the federal Endangered Species Act program has been a powerful influence in river management. The Endangered Species Act program also encompasses federal habitat, fish harvest and hatchery management.
- Indian tribes, many of which do not see their interests adequately protected in federal or state forums, have their own mitigation plans. These plans are also asserted in administrative, judicial and legislative processes.

Ways to better integrate these laws and arrangements are discussed in the next section.

B. Models for Reform

1. The Three Sovereigns

A. Description of the proposal

What (scope):

“The overarching goal of this [proposal] is to provide a high-level policy forum in which federal, state and tribal governments will address, collaborate on and coordinate basin-level policy, planning, decision-making and implementation issues and processes that affect the Columbia River Basin ecosystem.”

The initial focus would be on factors affecting anadromous fish, such as hydropower, harvest, habitat and hatcheries. The process also would consider related resources, including resident fish and wildlife, habitat, cultural resources, recreation, and commercial interests.

Who (representation):

A principal-level forum: four state, thirteen tribal and one federal representative;

A high staff-level committee: four state, four federal and four tribal representatives.

How (authority):

The proposal would require no change in law, and would be established by memorandum of agreement. It would require a high degree of agreement among the participants both to establish the process and to accomplish specific tasks.

The process would use “different approaches for different issues and processes, including developing a unified plan, commenting on decision-making schedules, consolidating overlapping activities, collaborative decision-making, and other approaches.”

Collaborative decision-making would be used for some major issues:

Collaborative decision-making needs to be approached with flexibility, but in general it refers to instances in which the Three Sovereigns jointly investigate, analyze, debate, create a decision-making record and recommend a decision regarding an issue. . . . In collaborative decision-making, the Three Sovereigns recognize the decision-makers’ legal obligations, and reach decisions that comply with these obligations.

B. Analysis

The Problem:

The (implicit) problem the Three Sovereigns are trying to address is the lack of a forum in which federal, state and tribal governments (1) collaborate on terms of equality (2) to unify federal, regional and tribal fish and wildlife policies.

Thus the problem is two-fold: Existing forums constrain participants to certain subjects, processes, decision rules and decision makers that some parties mistrust. The region now has multiple fish and wildlife recovery plans that compete for attention and resources: the Council's 1994 program, the NMFS draft Snake River recovery plan and the lower river treaty tribes' *Spirit of the Salmon*. The basin has no unified policy to which everyone subscribes, and there is no single forum in which to try to bring these plans together.

Power:

The Three Sovereigns process would confer no legal authority, but it would respond to its problem statement by equalizing the power of all participants, at least within the Three Sovereigns process, and establishing a common commitment to finding joint solutions. The assumption is that shared information, process and commitment to finding solutions will foster consensus. Once an issue leaves the Three Sovereigns process, it would reenter a legal arena in which parties and processes have disparate power and purposes. However, the assumption is that if the Three Sovereigns agree on a recommendation, the recommendation will continue to carry significant weight.

Representation:

Because the process aims to unify government policy, representation is limited to governments. The pattern of representation responds to concerns of principle and practicality: the principals' forum would have four states, thirteen tribes and one federal representative, reflecting the principle that each entity is a sovereign and should, if possible, bring a single perspective to the policy table. However, as a practical matter, a smaller group more closely reflecting operational authority is needed to implement policy. Thus, the operational work would be handled by a committee of four state, four federal and four tribal representatives. Also, as a legal and sometimes constitutional matter, it may not be possible for a sovereign to have a single position. Government agencies are charged with certain responsibilities by law and sometimes by constitution. They may have to discharge these responsibilities regardless of whether they are consistent with the position taken by the single representative in the process.

2. Appoint Tribal Members to the Power Planning Council and Use the Council Process to Address a Wider Range of Issues

A. Description of the proposal

What (scope):

The governors would appoint some members of the Northwest Power Planning Council from tribes, and the Council and its staff would support collaborative work on a broader range of issues touching the river than the Council currently addresses.

Who (representation):

Under the Northwest Power Act, governors appoint the members of the Northwest Power Planning Council, two members per state. Under this approach, some of these appointments would be made from the ranks of the region's tribes. Individual state laws would still govern appointment and confirmation processes.

How (authority):

Appointments of tribal people to one or more of the eight Council member positions would be made without a change in law. This approach assumes that with its existing authority the Council can facilitate collaborative work on almost any river-related issue its members agree to consider.

B. Analysis

The Problem:

The alternative assumes that the primary problem with the existing Council is that it lacks members from tribes.

Power:

The alternative assumes that the existing Council authorities are sufficient to permit the Council to facilitate collaborative efforts on any key Columbia River Basin issue.

Representation:

The prospect of appointing tribal members to the Council poses several questions: If tribal representatives were appointed, how many? If governors appointed tribal representatives, they would presumably be bound to uphold the purposes of the Northwest Power Act. In doing so, would they represent the perspective of the appointing governor, a tribe, or several tribes?

3. A Regional Resources Council

A. Description of the proposal

What (scope):

A more broadly representative and authoritative new council would be authorized to develop an integrated resource plan to offset the effects of hydropower facilities on anadromous fish, resident fish and wildlife in the Columbia River Basin. The council plan would link and integrate fish and wildlife obligations, power system operations, energy conservation and resource needs.

Who (representation):

Some number of state and tribal representatives; a super-majority vote required for major decisions; and mandatory deadlines for action.

How (authority):

1. Generally: Federal agencies would be required to act in a manner consistent with the resource council's integrated resource plan, as Bonneville is now obliged to do under the Northwest Power Act. Authority would be limited, however, because the council plan also would have to accommodate federal law. That is, no federal agency would be required to contravene its legal authorities. Agencies would be required to explain in writing if other legal responsibilities preclude compliance with the council plan.

The council would prepare its plan on the basis of its own information and analysis. This would differ from the current council, which must develop its fish and wildlife program on the basis of recommendations submitted by fish and wildlife agencies, tribes and others.

2. Hydropower operations: The council's general authorities (as outlined above) would apply to hydropower operations. The council plan would consist of strategies to protect, mitigate and enhance fish and wildlife, while addressing the Pacific Northwest's need for an adequate, efficient, economical and reliable power supply. The council would be authorized to participate in ESA consultations on hydropower operations.

3. Funding authority: The council also would oversee federal funds for Columbia River Basin fish and wildlife, from whatever source. This would focus fish and wildlife funding administration in a single place in lieu of what is currently a complex, multi-party process. Under this model, all federal agencies must follow the same process: to submit proposals for use of funds, appropriated or otherwise, for independent scientific evaluation and council recommendation. Federal project expenditures must be consistent with the council's plan.

4. Accountability: The resource council would be required to adopt explicit monitoring and evaluation mechanisms to ensure accountability.

5. An interstate compact approved by Congress and state legislatures could accomplish this alternative. It also could be established by federal legislation, as a commission whose appointments are made by the President based on regional nominations.

B. Analysis

The Problem:

The resource council model aims at fixing problems in the Northwest Power Planning Council's fish and wildlife process. The model asserts four problems with the existing council: (1) it lacks tribal representation (although tribal recommendations play an important role in the process), which can limit its effectiveness; (2) it lacks sufficient authority with regard to federal agencies; (3) the Council's program must be based on disparate recommendations of fish and wildlife agencies, tribes and others, which ensures a fragmented plan; and (4) the Council lacks the power to monitor and evaluate the results of its program.

Powers:

With regard to federal agencies: (1) All federal agencies (including the National Marine Fisheries Service, the Forest Service and others) would have obligations with regard to the council plan. Currently, only the agencies that run the hydropower system have such obligations. (2) However, the resource council would retain the limitation in the Northwest Power Planning Council's current authority: although federal agencies must act consistent with the Council plan, the council plan will be implemented only if consistent with federal authorities. In this sense, the resource council would represent an incremental increase in authority vis-a-vis federal agencies. (3) The resource council would participate in federal agency consultations under the Endangered Species Act, not supplanting existing federal agency authorities, but ensuring the council an opportunity to assert a system-wide perspective in hydropower operations. (3) The resource council would play a strong role in federal agency fish and wildlife budgeting.

With regard to the basis for the resource council's planning: The council would have greater autonomy in developing fish and wildlife policy, working from its own information and analysis, including independent scientific analysis, instead of from recommendations of fish and wildlife agencies and tribes. This would respond to *Return to the River's* criticism that the current system, which gives legal weight to disparate recommendations, fosters fragmented policy.

Representation:

The pattern of representation -- state and tribal representatives in undetermined proportions -- would be a significant issue in the council's makeup. In considering both this shift and the relative strengths of state and tribal representations, two factors are important:

First, representation should address the perceived problems of effectiveness posed by the current Council's lack of tribal representation. It also should address a practical problem: because there are many tribes, consulting with them individually can be difficult. If tribes had significant representation on the resource council, it may provide the resource council with a more effective way to communicate with tribes.

Second, tribal representation might help respond to *Return to the River's* criticism that the current system fosters a fragmented vision of the river, in this sense: *Return to the River* asserts that in requiring that individual agency and tribal recommendations must drive the Council's plan, the Northwest Power Act fosters a fragmented vision of the river: many actors in many fish and wildlife agencies and tribes submit recommendations, which the Council must accept unless they fail certain standards. Under this procedure, an integrated view of the river is easily lost. The resource council model responds to this problem by replacing the current requirement for recommendations with significant tribal representation, and expanding authority to develop an integrated, basinwide power and fish and wildlife plan. The assumption is that tribal representation would provide a strong impetus for fish and wildlife mitigation and recovery, while diminished emphasis on outside recommendations avoids policy fragmentation.

At the same time, however, expanded representation, especially if combined with expanded authority, raises questions of democratic representation. In general, the more authority a governing body has, the more obvious the question of proportional representation, i.e., representation based on population rather than political jurisdiction. From this perspective, citizens from more populated jurisdictions do not have the same degree of representation as citizens from less populated jurisdictions.

4. A Regional Endangered Species Agency for Hydropower

A. Description of the proposal

What (scope):

A Northwest Rivers Commission "to protect and restore a healthy, sustainable Northwest fishery," particularly Endangered Species Act listed species.

Who (representation):

A ten-person Commission would be created: two governor-appointed members from each state, and two tribal members appointed by Secretary of Interior. An advisory council would assist the Commission with subcommittees for river operations; fish resources and facilities management; fish harvest; agriculture and irrigation; and public lands management.

How (authority):

The Commission would assume most Endangered Species Act functions, subject to approval by the President. The President must approve unless he finds the Commission's action inconsistent with the Endangered Species Act. The Commission would: determine whether proposed actions jeopardize listed species develop recovery plans for Endangered Species Act species; approve incidental take permits; and develop habitat conservation plans.

B. Analysis:

The Problem:

This approach sees the primary problem as federal implementation of the ESA.

Power:

The approach would leave ultimate Endangered Species Act decision-making authority with the President, but authorize the region to make judgments under the Act in the first instance. As such, it would give the region significant participation in decisions on river operations, harvest, habitat and hatchery operations.

Representation:

The pattern of representation -- eight state representatives and two tribal -- implies that state interests should be better represented in Endangered Species Act decisions. The question of proportional representation, discussed in model 3, above, is also relevant here.

It is possible that the Northwest Power Planning Council could comprise the eight state members of the commission.

5. A Comprehensive Agency for the River

A. Description of the proposal

What (scope):

An agency that develops and implements comprehensive plans for federal project operations, species conservation, and water quality and quantity.

How (authority):

Using the Delaware River Basin Commission as a model, the agency would develop a long-term plan and an annual plan for the river:

The long-term plan would have integrated policies for the waters of the Columbia River system: (1) management of federal (and federally-licensed) water projects; (2) interstate standards for water banking, conservation and related issues; (3) mitigation planning for fish and wildlife affected by the waters of the system; and (4) water quality.

The annual plan would address: (1) annual project operations; (2) specific investments in water and fish and wildlife projects; (3) public and private water development and conservation of Columbia River water.

No federal or state project operation, regulation or expenditure touching the river would be authorized unless consistent with the river agency's plans.

Who (representation):

The governors of the four states (or their designated alternates); one or more presidentially-appointed federal representative; and tribal representatives.

B. Analysis

The Problem:

This model sees the problem as not just fish and wildlife, hydropower, or the Endangered Species Act. Rather, the problem is government's fragmented approach to a hydrologically and ecologically integrated river system. Although the river supports different uses and resources, each is affected by how the river is managed for any of the others.

Power:

The alternative is loosely modeled on the Delaware River Basin Commission, a federal-state compact with broad authority over water quality, quantity, reservoir operations and development permitting. This model would adapt the Delaware model by bringing in species conservation issues.

The ESA and other federal laws (Clean Water Act, treaty obligations, etc.) would apply to the river agency as though it were a federal agency. The agency would not supplant the National Marine Fisheries Service, the U. S. Fish and Wildlife Service, the Environmental Protection Agency and others, but would be required to consult with them to determine whether the river agency's plans and projects comply with applicable laws.

The model would not tie Commission authorities to the current Endangered Species Act, the Northwest Power Act, or the Clean Water Act. Regardless of how these laws change, the river agency would manage the river in an integrated way to meet evolving needs.

An alternative: the river agency could stand in the shoes of NMFS, EPA and other agencies, and assume their role as arbiters of compliance with the ESA, the Clean Water Act and other laws.

Representation:

The Delaware Commission consists of the governors of affected states plus a single federal representative. Recognizing the important role of federal facilities in the Delaware system, the President may suspend Commission actions that undermine federal interests. The Delaware has no tribal representation and so offers no precedent there.

Determining the balance of state and tribal representation involves many of the considerations mentioned in connection with other models, with this difference: this model is less focused on fish and wildlife matters *per se* and more on a broad and evolving spectrum of interests in the river.

Conclusion

Comments on these or other alternatives are welcome. Is it necessary or appropriate to seek statutory change to improve how decisions are made on the river? Is one of these approaches more useful than others? Is there a combination of approaches that would make more sense? Should the region begin with one alternative and phase into another? Are there other approaches to consider?

We hope you will send us comments on these questions by writing to us care of the Northwest Power Planning Council, 851 S. W. Sixth Ave., Portland, Oregon 97204, or e-mailing to comments@nwppc.org. Please label your comments "River Governance" and submit them by August 21, 1998.

	Mission	Representation	Authority
Three Sovereigns	Forum in which federal, state and tribal governments address, collaborate on and coordinate basin-level policy, planning, decision-making and implementation issues and processes that affect the Columbia River Basin ecosystem.	Principal-level forum: four states, thirteen tribes, and one federal representative; Staff-level committee: four state, four federal and four tribal representatives.	No change in any participant's existing authority.
Broaden the Power Planning Council	Use the Northwest Power Planning Council to support collaborative work on a broad range of issues touching the river.	Governors appoint some members of the Northwest Power Planning Council from tribes.	No change in existing Council authority.
Resource Council	Develop integrated resource plan to offset the effects of hydropower facilities on anadromous fish, resident fish and wildlife in the Columbia River Basin, integrating fish and wildlife obligations, power system operations, energy conservation and resource needs.	Some number of state, tribal and federal representatives to be negotiated; a super-majority vote required for major decisions.	Federal agencies act consistent with council plan; but council plan accommodates federal law. Council administers hydro-fish funds, participates in ESA consultations, integrates budget processes, and has explicit accountability. Council plan based on its own information and analysis.
Regional ESA Agency	Protect and restore a healthy, sustainable Northwest fishery," particularly Endangered Species Act listed species.	Two governor-appointed members from each state and two tribal members appointed by Secretary of Interior.	Commission assumes most Endangered Species Act functions, subject to presidential veto.
Comprehensive River Agency	Develop and implement comprehensive plans for federal water project operations, species conservation, water quality and quantity.	Governors of the four states (or alternates); one presidentially-appointed federal representative; and tribal representatives.	No federal or state project operation, regulation or expenditure would be authorized unless consistent with the agency's long-term and annual plans

Appendix D

**Science Serving Restoration;
Lessons from an Alaskan Oil Spill,
outline by Robert Spies**

*Science Serving Restoration:
Lessons from an Alaskan Oil Spill*

*Robert B. Spies
Chief Scientist*

Exxon Valdez Oil Spill Trustee Council



Overview

- *Similarities and differences*
- *Evolution of EVOS from crisis to a usable model*
- *How EVOS works now*
- *Critical elements for success*
- *Lessons learned*

EVOS and Calfed

Similarities

- *Large affected area*
- *Multiple resources affected*
- *Lack of scientific certainty*

Differences

- *More complex institutional environment*
- *Acute vs. chronic*
- *Multiple Effects*
- *Source of funds*

Institutional evolution

The early days (1989)

- *Governance: 1 state & 3 federal agencies*
- *Actions: unanimous vote of trustees*
- *Data sharing limited*

The middle years (1990-1993)

- *Governance: 3 state & 3 federal agencies*
- *Institution of peer review*
- *Management: multi-institutional team*
- *Funding from settlement*

Institutional evolution (Cont'd)

The later years (1993-1999)

- *Creation of EVOS restoration office*
 - *Executive Director*
 - *Chief Scientist*
- *Evolution of annual workplan process*
- *Strong ecosystem approach:
fosters multi-institutional cooperation*

EVOS Governance

Trustee Council

ADF&G ADEC ADL USFS NOAA DOI

*Public
Advisory
Group*

Executive Director

*Restoration
Workforce*
*6 agency
representatives*

Restoration Office
Science Liason
Press Liason
Habitat Liason
Workplan specialists
Budget specialist

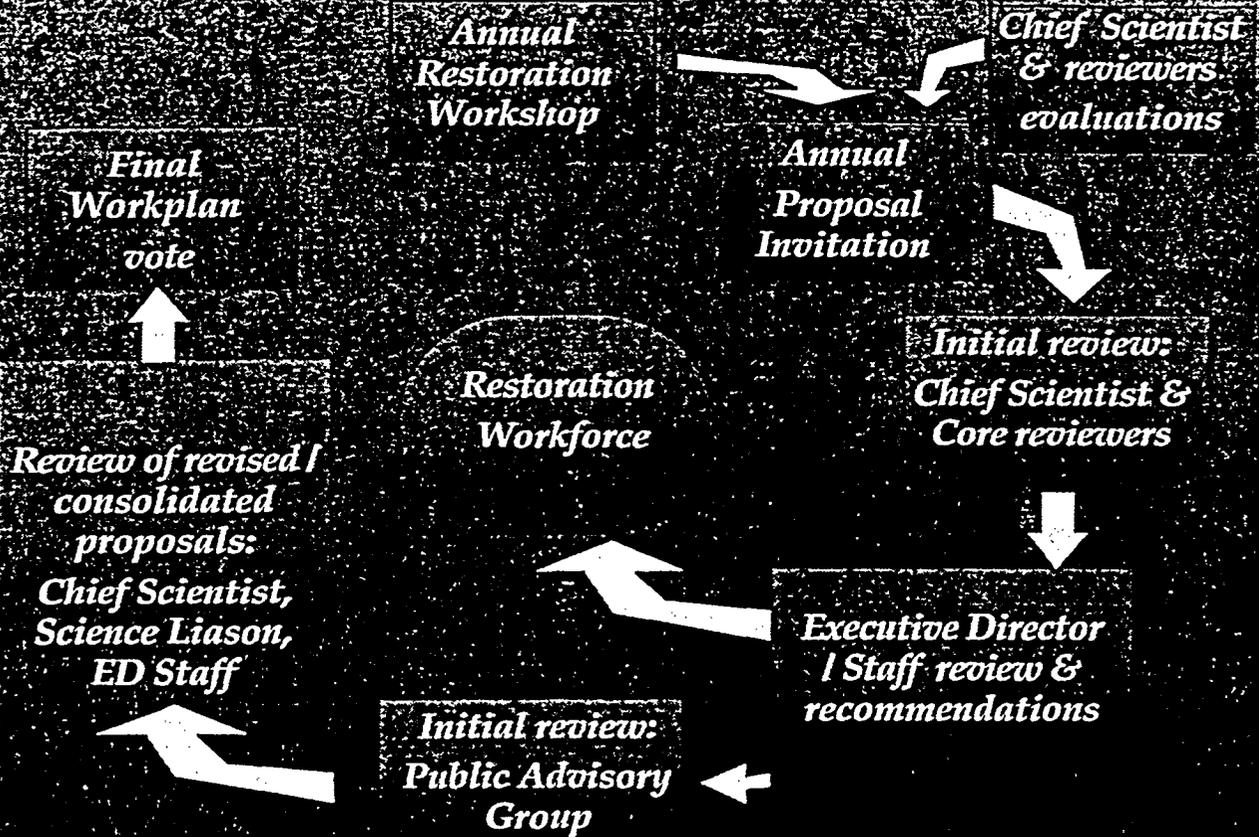
Chief Scientist

*5 core reviewers
others as needed
(70)*

Critical elements for success

- • *Small independent staff*
- • *Public participation*
- • *Strong independent peer review*
- • *Strong agency participation*
- • *Adaptive management*
- • *Interdisciplinary ecosystem approach to science*
- • *Independent funding*

Mechanics: The annual workplan cycle



*Keys to successful
restoration science*

I. The tradeoff

scientists

give up

*irrelevant pet
projects*

get

*sense of
contribution;
good funding*

policy
makers

*distrust of
science*

*better
chance of
success*

*II. The burden of
proof*

*when there is scientific
uncertainty err on the side of
the resource*

Lessons Learned

- *Program administration should be agency-independent*

- ➔ *Overlapping jurisdictions with no agency responsible for the "whole picture"; specific mandates may conflict*
- ➔ *Better ability to set priorities for ecosystem independent of other mandates*
- ➔ *Best science will "rise to the top" regardless of who is doing it*
- ➔ *Breaks down interagency barriers, allows better participation of all sectors*

- *Strong independent scientific and budgetary review essential*

- *Open competition improves quality & efficiency of work*

- *Public trust is built with open communication and access*

Appendix E

“Developing Watershed Restoration Institutes:

Lessons for CALFED from Theory

and Practice, outline by

Professor Paul Sabatier

**DEVELOPING WATERSHED RESTORATION INSTITUTIONS:
LESSONS FOR CALFED FROM THEORY AND EXPERIENCE**

**PAUL SABATIER
UNIVERSITY OF CALIFORNIA, DAVIS**

**PRESENTATION TO
CALFED GOVERNANCE WORKSHOP
JULY 16, 1999**

I. INTRODUCTION

A. PERSONAL BACKGROUND

1) POLITICAL SCIENTIST INTERESTED IN ENVIRONMENTAL POLICY

THEORETICALLY-INFORMED RIGOROUS RESEARCH

2) RESEARCH ON:

**TAHOE
CALIFORNIA COAST
BCDC
SF BAY/DELTA
WATERSHED PARTNERSHIPS**

B. CALFED RESTORATION ENTITY: CHALLENGES

1) GEOGRAPHIC SCOPE: CENTRAL VALLEY --NOT JUST THE BAY/DELTA

**A) EXTREMELY VARIED CONDITIONS
B) GROUPS THAT DON'T TRUST EACH OTHER**

2) SCIENCE OF WATERSHED RESTORATION RATHER PRIMITIVE

**A) NOT SURE WHAT WILL WORK
B) NEED TO BUILD IN LEARNING
EX: MONITORING AND RESEARCH**

3) HABITAT/SPECIES RESTORATION NOT THE ONLY GOAL

MUST ALSO DEAL WITH OTHER CALFED GOALS:

**A) WATER QUALITY
B) WATER SUPPLY RELIABILITY
C) LEVEE STABILITY
D) SOLUTION THAT IS COMPREHENSIVE, DURABLE, AFFORDABLE, AND IMPLEMENTABLE**

CAN SEE WHY YOU'VE ASKED FOR HELP—ALTHO
NOT NECESSARILY FROM ME

C. PREVIEW

1) IMPLICATIONS FROM THREE THEORETICAL
PERSPECTIVES

A) ADVOCACY COALITION FRAMEWORK

B) INSTITUTION RATIONAL CHOICE
(OSTROM)

C) COMPETITION \Rightarrow LEARNING

2) SOME CLOSING REFLECTIONS

II. THE ADVOCACY COALITION FRAMEWORK (ACF)

A. CRITICAL FEATURES

1) POLICY-MAKING OCCURS AMONG
SPECIALISTS IN POLICY SUBSYSTEMS
(AGENCIES, LEG COMMS, INTEREST GRPS,
RESEARCHERS)

IN BAY/DELTA, MULTIPLE SUBSYSTEMS
WATER SUPPLY
WATER QUALITY
ENDANGERED SPECIES
FISHERIES
WETLANDS
FLOOD CONTROL
FORESTRY
AGRICULTURE

THUS: SITUATION IS UNCONTROLLABLE
TOO MANY ACTORS RESPONDING
TO VARIOUS PRESSURES AND
OPPORTUNITIES: WILL ALWAYS
HAVE SOMEONE MAKING AN END-
RUN

2) AGENCIES, INTEREST GROUPS,
LEGISLATORS, AND RESEARCHERS ARE NOT
AS DIFFERENT AS CIVICS TEXTBOOKS
WOULD LEAD US TO BELIEVE

A) MOST HAVE WELL DEVELOPED
BELIEF SYSTEMS LINKING VALUES AND
PERCEPTIONS

B) PEOPLE WITH SIMILAR BELIEFS
UNITE TO FORM (ADVOCACY)
COALITIONS

**DATA FROM 1992 BAY/DELTA SURVEY
(NOT MUCH CHANGE IN 1997)**

**3) RESOLVING CONFLICTS IS EXTREMELY
DIFFICULT BECAUSE:**

**A) PEOPLE SCREEN OUT DISSONANT
INFO**

**B) TEND TO PERCEIVE ADVERSARIES AS
MORE EVIL AND MORE POWERFUL
THAN THEY PROBABLY ARE ("DEVIL
SHIFT")**

4) RESOLVING CONFLICT REQUIRES:

**A) STALEMATE: EVERYONE PERCEIVES
STATUS QUO AS UNACCEPTABLE**

B) CAREFULLY-CRAFTED INSTITUTIONS

C) SKILLFUL MEDIATOR

D) PERHAPS A CHANGING OF GUARD

**III. INSTITUTIONAL RATIONAL CHOICE FOR
MANAGEMENT OF COMMON PROPERTY RESOURCES
(ELINOR OSTROM, INDIANA)**

A. ASSUMPTIONS [DIAGRAM]

**1) INDIVIDUALS ARE SELF-INTERESTED AND
RATIONAL, BUT NOT NECESSARILY WELL-
INFORMED**

**2) BEHAVIOR WILL BE A FUNCTION OF
INSTITUTIONAL RULES, COMMUNITY
CHARACTERISTICS, AND THE
CHARACTERISTICS OF THE RESOURCE**

3) MULTIPLE LEVELS

B. LESSONS FROM COMMON PROPERTY MNGMNT

**1) CENTRALLY ORGANIZED ENVIRONMENTAL
MANAGEMENT IS OFTEN UNSUCCESSFUL B/C**
A) RESENTED BY LOCALS
B) IGNORANT OF LOCAL CONDITIONS

**2) BETTER TO LET LOCALS SEEK TO CRAFT
OWN INSTITUTIONS, WITH NON-LOCAL
ASSISTANCE BUT NOT CONTROL**
WORKS LESS WELL WHEN IMPORTANT
EXTERNALITIES

IV. LEARNING IS PROMOTED WHEN:

**A. CONFLICTING POINTS OF VIEW THAT ARE
WELL REPRESENTED IN THE DEBATE**

**EX: MEIER
BRITISH**

**B. PROFESSIONAL FORA COMPOSED OF
ADVOCATES AND NEUTRALS**

V. IMPLICATIONS FOR CALFED

A. SIMPLE INFERENCES

- 1. EXPECT CONFLICT AND END-RUNS
NO FINAL SOLUTION**
- 2. AGENCIES AND RESEARCHERS ARE OFTEN
ALLIED WITH INTEREST GROUPS
DON'T NAIVELY ASSUME NEUTRALITY**
- 3. CONFLICT DIFFICULTY TO RESOLVE; MAY
REQUIRE MULTIPLE INCREMENTAL STEPS
OVER TIME
EX: BLOMQUIST ON GROUNDWATER**
- 4. MUST GIVE LOCALS A SIGNIFICANT VOICE
IN RESTORATION EFFORTS; NON-LOCALS
SHOULD PRIMARILY HAVE FACILITATOR
ROLE**
- 5. CONFLICT MAY PROMOTE LEARNING;
OK TO HAVE MULTIPLE RESTORATION
ENTITIES**

B. BOTTOM-LINE

- 1. PUBLIC CORP AND 501C3 TOO APOLITICAL**
- 2. NEW FED/STATE TOO DIFFICULT**

3. BEGIN WITH A STATE ENTITY WITH SOME
FEDERAL INVOLVEMENT AND WITH
REGIONAL OFFICES/BOARDS
EX: SANTA MONICA MOUNTAINS
TAHOE (TRPA)
COAST COMMS

A. PRIMARILY A STATE ISSUE; NEED
STATE ACCOUNTABILITY

B. CLEAR PERSONNEL RULES, ETC.

C. LET F&WS GO THEIR OWN WAY IF
THEY REALLY WANT TO

4. BUILD IN SCIENTIFIC LEARNING
CAPABILITY

PLEASE REQUIRE MONITORING AND
SOME SERIOUS IMPACT
ASSESSMENT
RESEARCH ON WATERSHED GRPS
INDICATES IT IS RARE



400 Capitol Mall • Suite 1860 • Sacramento • CA 95814

PHONE 916 • 442 • 4880 FAX 916 • 553 • 4539

E - 0 0 7 0 1 6