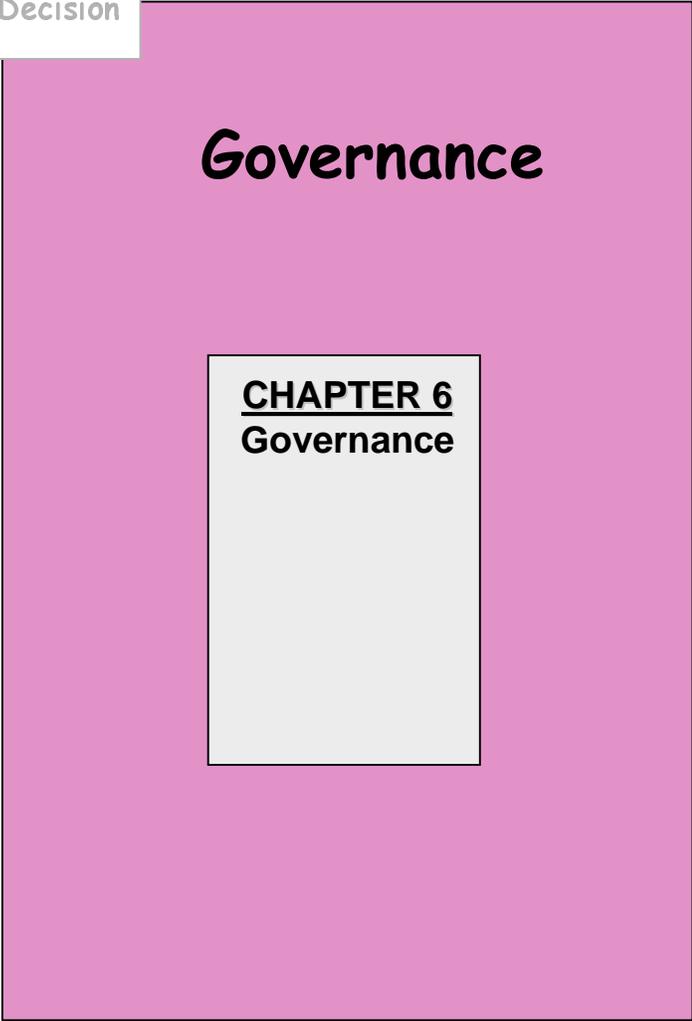


Chapter 6

Governance as an Issue

***Future Governance
Models***



CHAPTER 6 — GOVERNANCE

- Describes some of the key issues surrounding the management of the Columbia River Basin, including fish and wildlife.
- Defines the governance structures that have been tried in the past, what governance structures and actions exist today, and the possible future direction for fish and wildlife management in the region.
- Provides a methodology for approaching the regional governance of fish and wildlife through examples and a simple model to sort through the key components of governance.

This chapter focuses on understanding why establishing a regionally acceptable governance structure is difficult. Information in this chapter forms a foundation that the region may use to gain perspective on governance issues. The simplified model may provide the beginnings to establish an acceptable future structure for managing the fish and wildlife in the region.

6.1 GOVERNANCE AS AN ISSUE

Governance: *To direct or manage the public policy and affairs of rule. (Webster's II: New Riverside Dictionary, 1984)*

*Note: The purpose of this DEIS is to provide the reader with enough background (Chapter 2) and understanding of the alternatives and their benefits and consequences (Chapters 3, 4, and 5) that an informed decision may be made about funding and implementing a coordinated fish and wildlife recovery effort plan in the Basin. The actions of the Plan may then be implemented by any governing body. **The form that governance takes is less important to the outcome than the degree to which the governing parties are able to act in concert.** Because the choice of governance structure comes after the necessary decisions about the plan, information on governance is placed after the chapters on the alternatives.*

For 180 days in 1997, the Council met to review Fish and Wildlife Governance Issues. They heard people say repeatedly that it seemed as though no one was “in charge” of Columbia River fish and wildlife policy. Some criticized—and still criticize today—the lack of a single entity with the comprehensive knowledge, insight, and authority to make long-term decisions regarding fish and wildlife issues. Others condemned—and still condemn—the dominant role of the federal government in regional fish and wildlife mitigation and recovery efforts. These opposed viewpoints reflect the complexity of the governance issue.

In fact, over the past several decades, the designation of who is “in charge” of fish and wildlife matters in the region has shifted constantly among federal and state agencies,

courts, and other entities. What is important to notice, however, is that there has been no corresponding shift in environmental effects. The method of governance appears to have no direct bearing on the environmental effects. The effects on the environment come when agencies, organizations, and individuals take *actions* on the ground, in the air, or in the water, regardless of whether they (and we) are following an overall plan or whether (as today) we work under multiple plans, authorities, and entities taking individual actions.

Thus, the key element for governance is not the particular form that governance has taken or will take, but the level of commitment to work together as a cohesive unit. Success or failure will be determined, not by the structure used for governance, but by the degree of commitment by the involved parties to any plan.

For example, many river-basin agreements have collapsed—both in the past and today—because the parties could not agree on commitment to a single plan. Over time, these failures have led to independent and uncoordinated actions; the actions in turn have led to some of the troubles the region faces today with fish and wildlife recovery efforts.

The entries below trace some of the major efforts to establish umbrella organizations to govern management of the river. They also show how the lack of ability to gain commitment affected the eventual outcome.

6.1.1 1937: The Columbia Valley Authority

In 1937, as Congress was debating how best to guide natural resource management in the Northwest, the Columbia Valley Authority (CVA) was proposed as a comprehensive federal plan to develop the Basin. The CVA would have inherited general jurisdiction over development for navigation, flood control, power generation, reclamation, and recreation in the Basin. It could have engaged in mining development and encouraged conservation of soils, forests, and rangeland. It also would have had the authority now exercised in the Basin by the USFWS. It would have been authorized to plan for “the unified development of the Columbia Valley region,” including virtually all aspects of federal natural resource development and conservation.

However, because the proposal generated considerable opposition, it was abandoned in the 1937 compromise. Instead, BPA was created as a “temporary” entity to market the federal dams' energy output. Little or no attention was paid to other issues such as fish and wildlife management. The decisionmakers rejected a *centralized* approach to river governance, and favored a *decentralized* approach. Abandoning the idea of the CVA meant that individual federal agencies would continue to make decisions about those resources that had traditionally been under their jurisdictions. This policy of dividing control of resources continues to the present. The policy mirrors the development of the Northwest, where “discrete spheres of economic interest”¹ divided the natural resources of the Basin among them and sought to use these resources fully, without regard to how their activities might affect other resources.

¹ Lichatowich (1999), p. 50.

6.1.2 Governance in the 1940s

By the 1940s, so many projects and players—federal, state, local, private—had an interest in “governing” the significantly altered river flows in the Pacific Northwest that harnessing their efforts as one team was beyond negotiation. That default policy already exhibited two major characteristics that form the basis of today's criticisms of river governance: control was primarily *federal* and it was *fragmented* (divided among several agencies—the "no one is in charge" problem).

Specifically, operation of the dams on the mainstem of the Columbia and Snake rivers was federal. Water diversions, especially from the tributaries, were mainly under jurisdiction of the states and the Bureau. Private property rights were inextricably interspersed with public issues. The mix would later be still further complicated by the international nature of the Columbia River (see section 6.1.3, below).

6.1.3 1950: The Columbia River Compact

During this same period of time, the states were also trying to work toward cooperative governance. They tried to form a Columbia River Compact that would coordinate interstate river governance. An interstate compact was first proposed in 1911 by Governor Oswald West of Oregon. Congress passed enabling legislation in 1925, the same year as the Rivers and Harbors Act. In 1943, the governors of Idaho, Montana, Oregon, Washington, and Wyoming formed the Northwest States Development Association, in part to evaluate potential for a water compact. The upswing in federal water development that followed the war gave the idea new impetus. In 1949, several governors asked Washington's Governor Langlie to lead an effort to develop a compact. The compact commission met in 1950, beginning nearly two decades of active negotiations.

However, hydrology and politics posed formidable obstacles to agreement. Forty-four percent of the river flow originates in Canada. In the United States, 70% of the flow comes from headwater states (Idaho, Montana, Nevada, Utah, and Wyoming). Yet, during the early negotiations, 63% of the population was in the lower basin, in Oregon and Washington. Those who had water and those who needed it lived in different places and had different interests and points of view. The numbers themselves best illustrate the parties' positions:

Table 6.1-1: Distribution of Water Resources vs. Population

	Percent of Water	Percent of Population
Idaho	47.6	9.4
Montana	17.1	9.5
Washington	15.3	38.3
Oregon	12.9	24.5
Wyoming	6.1	4.0
Nevada	1.0	2.5
Utah	—	11.8

Source: Doerksen, H. "Columbia River Interstate Compact," quoted in [A River in Common](#), Report to the Western Water Policy Review Advisory Commission (Volkman, 1997).

Under typical water compacts, water allocation is the central question. However, the proposed Compact raised more diverse issues, such as the allocation of electric power generated by the dams. The negotiations also addressed water allocation issues in the Snake River. (At the time, the Columbia River was thought to have enough water that a specific allocation was not necessary.) In the case of the Snake River, Idaho argued that downstream non-consumptive uses should be subordinated to upstream irrigation. The United States insisted on preventing upstream depletion in order to protect federal projects downstream.

6.1.4 1964: The Columbia River Treaty and the Coordination Agreement

Upstream complications were not limited to those within the borders of the United States. The 1964 Columbia River Treaty (between Canada and the United States), adopted for power and flood control purposes, committed the United States to coordinate internal hydro operations on the U.S. side of the border. Without coordination, full advantage could not be taken of the new storage created by the construction of three new dams (Mica, Duncan, and Keenleyside) on the northern portion of the Columbia River and of the U.S.'s Libby Dam on the Kootenay River.

The Corps, BPA, the Columbia River Treaty's U.S. Entity, and some of the region's utilities entered into the Pacific Northwest Coordination Agreement (PNCA), which still governs power operations of the hydro system. The PNCA, built on 20 years of voluntary cooperation through the Northwest Power Pool², was based on the concept that the Columbia River power system is both hydraulically and electrically connected, and that upstream storage operations therefore affect downstream generation. Coordinating these facilities as though they had a single owner would enable all parties to benefit more than if each were acting for its own account. This agreement enabled much greater power generation than before; however, it did not address navigation, recreation, irrigation, municipal use, or effects on fish and wildlife.

6.1.5 Governance in the 1960s and 1970s

With the development of the PNCA, most of the organizational arrangements for the Columbia and Lower Snake were in place. The fourteen federal dams in the Columbia and Lower Snake rivers are called the FCRPS (Federal Columbia River Power System). The PNCA requires that operation of the non-federal dams controlled by various utilities be coordinated with FCRPS operations. Mechanisms to coordinate hydropower and flood control, navigation, and irrigation were hammered out over a period of many years.

The Basin entered the 1970s with a focus on river management that sought to optimize power generation. With the completion of the dams, locks, and canals built during the 1930s, 1940s, and 1950s, the river also provided a good avenue for navigation, irrigation,

² The Pacific Northwest Power Pool, formed during World War II; serves as a forum in the electrical industry for reliability and operational adequacy issues in the Northwest. The group promotes cooperation among its members in order to achieve reliable operation of the electrical power system, coordinate power system planning, and assist in transmission planning in the Northwest area.

and a significant measure of flood control. The limited governance focus was successful for these issues. At the same time, the "uncoordinated" approach—the dominant "every man for himself" basin economic policy for many years—worked well to reap economic benefits for many.

However, in the 1960s and 1970s, increasing questions, concerns and action rose out of the environmental movement. The *US v. Oregon* decision (Belloni decision) affirmed the right of Columbia River treaty tribes up to half of the salmonoids available for harvest. People became more informed, and more concerned, about the shortage of fish and other environmental effects arising from the policy of generating the maximum economic benefit from the region's natural resources. From the perspective of the fish and wildlife resource, governance was uncoordinated, and resources were being nibbled away year after year without replacement—results of the fragmented, multiple-jurisdiction approach to natural resource management. Now began the wake-up call: realization and regret that the policies that had enabled commercial success were now perceived by many as having taken an unacceptable toll on the environment.

6.1.6 Governance in the 1980s

Although the federal government retained a critical role in management of the Columbia River and its fish and wildlife resources, in the 1980s legislation and policies were enacted that attempted to provide for a shared approach to governance. As noted in Chapter 2, changes in the governance of the Columbia River were profound after Congress passed the Regional Act in 1980. The Act gave the Pacific Northwest states, Indian tribes, local governments, consumers, customers, users of the Columbia River Power System, and the general public in the region a greater role in Columbia River basin decisions. The Act established the Council to facilitate cooperation among the states of Idaho, Montana, Oregon, and Washington. As members of the Council, the four states became the primary overseer of the Regional Act's planning provisions. But even with the assistance of this Act, the debates over governance have continued. Concerns over the multiple—and frequently conflicting—uses have increased. River governance has reached a point where veto has become commonplace, and consensus of agreement has been unreachable.

6.1.7 Governance: Key Elements

Given the difficulties outlined above, the region is taking a serious look at developing alternative—better—governance models. The next section (6.2) presents those models. Here are the three basic questions that seem to be involved when governance is discussed:

1. Is the model to be centralized or de-centralized?
2. Does decisionmaking rest with an individual person or organization or with group collaboration (such as a Board)?
3. Does the region have control, or does control rest with others outside the region?

These three questions have been the subject of many regional debates, which have so far failed to produce consensus. Because no one has been able to agree on the answers, or the proper direction, these issues remain unresolved, and the parties fall back on today's governance structure—multiple plans and uncoordinated efforts. Today, the evolution of governance continues to be an issue of concern throughout the region as multiple new models for the future are introduced. These are described below.

6.2 FUTURE GOVERNANCE MODELS

The governance models described below have been “ranked” or evaluated with regard to the three distinct categories discussed above:

- **Centralization:** the degree to which each model places the decisionmaking authority in a single entity.

A rating of "1" in this category means a single decision-making authority; a rating of “10” would represent multiple decision-makers.

- **Coordination:** the degree to which each model allows for the contribution from interested parties in the region (e.g., federal, state, and tribal governments, business groups, environmental organizations, etc.).

A “1” in this category would indicate absolute power in a single entity without any need to coordinate, while a “10” would represent decisionmaking only through complete agreement among all interested persons.

- **Regional Authority.** the extent to which a particular model limits decisionmaking to regional entities.

A “1” in this category would confine decisionmaking to in-region authorities, while a “10” would equate to all decisionmaking authority outside of the region.

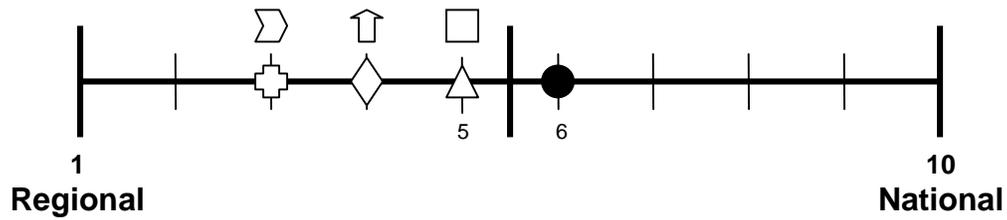
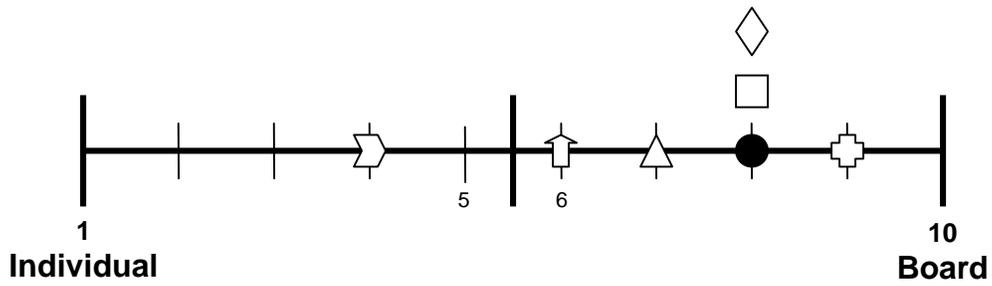
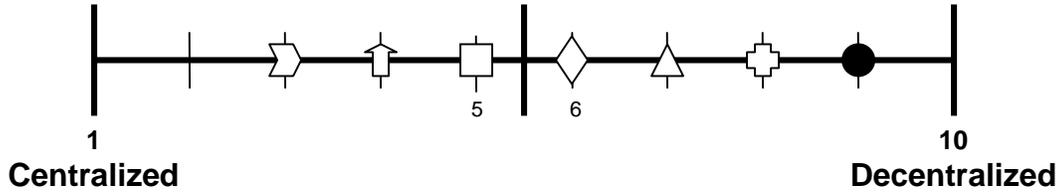
Figure 6-1 shows the different models (Current Model, Columbia River Basin Forum, Power Council/Tribal Member, and Regional Resources Council) proposed and where they fall in a ranking by the three factors. Other models are certainly possible, and may be considered even after one is selected, if an agreement can be reached and a plan has been established.

6.2.1 Current Model

Ranking:	Centralization	9
	Coordination	8
	Regional	6

This model includes federal management of hydropower, flood control, navigation, and irrigation. The states manage permitting processes for water diversions from the river, and instream flow programs in tributaries and water quality pursuant to the CWA. The Council develops a program to mitigate the fish and wildlife effects of the federal dams.

Figure 6-1: POSSIBLE GOVERNANCE MODELS



- ***Current Model***
- △ ***Columbia River Basin Forum (formally the Three Sovereigns)***
- ***Power Council with Tribal Member***
- ◇ ***Regional Resources Council***
- ⊕ ***Regional Resources Council plus Watershed Council***
- ↑ ***Regional Endangered Species Agency for Hydropower***
- ⤷ ***Comprehensive Agency for the River***

Indian tribes, many of which do not see their interests adequately protected in federal or state forums, have their own mitigation plans asserted in administrative, judicial, and legislative processes. Federal agencies consult with Indian tribes in a "government-to-government" process.

6.2.2 The Columbia River Forum (formerly referred to as the Three Sovereigns)

Ranking:	Centralization	7
	Coordination	7
	Regional	5

The "Three Sovereigns" refers to the federal government, state governments, and Northwest tribes. This proposal would provide a high-level policy forum in which federal, state and tribal governments will address, collaborate on, and coordinate basin-level policy; planning, decisionmaking, and implementation issues; and processes that affect the Columbia River Basin ecosystem. Focus would be first on fish, then on other affected resources. Supported by a staff, state, federal, and tribal representatives would participate in a forum. Collaborative decisionmaking would be used for some major issues, and particularly those in which the "Three Sovereigns" jointly investigate, analyze, debate, create a decisionmaking record, and recommend a decision regarding an issue. This proposal would "equalize" the power of all participants and give credence to their joint recommendations.³

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 would implement policy. Thus, the operational work would be handled by a committee of four state, four federal, and four tribal representatives. This Model recognizes that government entities are charged with certain responsibilities by law and must discharge these responsibilities, regardless of whether they are consistent with the position taken by the single representative in the process.

Analysis of the Proposal

The Problem: The (implicit) problem that the Three Sovereigns model tries to address is the lack of a forum in which federal, state and tribal governments can (1) collaborate on terms of equality, and (2) 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 decisionmakers that some parties mistrust. The region now has multiple fish and wildlife recovery effort plans that compete for attention and

³ There was a "Three Sovereigns" group; it is now the Columbia Basin Forum.

resources. 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 re-enter a legal arena in which parties and processes have disparate power and goals. However, the assumption is that, if the Three Sovereigns agree on a recommendation, the recommendation will continue to carry significant weight relative to Status Quo.

6.2.3 Appoint Tribal Members to the Council; Use the Council Process to Address a Wider Range of Issues

Ranking:	Centralization	5
	Coordination	8
	Regional	5

The governors would appoint some tribal representatives as members of the Council, and the Council and its staff would support collaborative work on a broader range of issues touching the river than the Council currently addresses. 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.

This model is essentially the same as the current model, except that tribal members would be directly appointed to the Council. This would increase regional coordination compared to the current model.

Analysis of the Proposal

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.

6.2.4 A Regional Resources Council

Ranking:	Centralization	6
	Coordination	8
	Regional	4

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. This Resource Council plan would link and integrate fish and wildlife obligations, power system operations, energy conservation, and resource needs. There would be some number of state and tribal representatives; a super-majority vote would be required for major decisions; and there would be mandatory deadlines for action. The Resource 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.

Here is how it would work:

- (1) All federal agencies (including the NMFS, the USFS and others) would have obligations with regard to the Resource 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 consistently 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 ESA, not supplanting existing federal agency authorities, but ensuring the Resources Council an opportunity to assert a system-wide perspective in hydropower operations.
- (4) The Resource Council would play a strong role in federal agency fish and wildlife budgeting.
- (5) The Resource 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.

Analysis of the proposal

The Problem: The Resource Council model aims to fix problems in the Council's fish and wildlife process. The model asserts four problems with the existing Council:

- (1) although tribal recommendations play an important role in the process, the model lacks tribal representation, 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: All federal agencies (including the NMFS, the USFS and others) would have obligations with regard to the Resource Council plan. Currently, only the agencies that run the hydropower system have such obligations. However, the Resource Council would retain the limitation in the Council's current authority: although federal agencies' actions must be consistent with the Resource Council plan, that plan would 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.

The Resource Council would participate in federal agency consultations under the ESA, not supplanting existing federal agency authorities, but ensuring the council an opportunity to assert a system-wide perspective in hydropower operations. The Resource Council would play a strong role in federal agency fish and wildlife budgeting.

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.

6.2.5 A Regional Resource Council Plus Watershed Council

Ranking:	Centralization	8
	Coordination	9
	Regional	3

This proposal adopts many of the features of the Regional Resources Council Model, with the addition of a local “Watershed Council” to propose and approve local measures. This proposal would add another level of decisionmaking not present in any other models.

Analysis of the proposal

This approach would focus decisions on watershed conditions and only incidentally on species. In theory, healthy watersheds provide the conditions for healthy fish and wildlife populations.

Section 4(h) of the Regional Act would be amended to substitute the words “conserve and restore the biological productivity of natural watersheds,” in lieu of “protect, mitigate and enhance fish and wildlife, including related spawning grounds and habitat.” The program development guidelines in Section 4(h)(6) of the Act would be otherwise unchanged, as would the Act’s requirement that the Council’s fish and wildlife program be designed to deal with the Columbia River and its tributaries as a system. The Council would adopt a program to satisfy the revised purpose of the Act by identifying measures to protect and restore biological functions in watersheds, as measured by the biological needs of key species. The Council’s program would directly address the following: (1) conditions in the mainstem of the river; (2) artificial production policies, insofar as they raise issues that transcend individual watersheds; (3) standards to guide watershed

planning; and (4) criteria for setting priorities for funding watershed actions. Watershed organizations would develop habitat, natural production, and other measures for individual watersheds. The Council would establish membership and procedural standards for watershed organizations. Watershed groups satisfying these standards would submit proposals for planning funds to the Council. After development and approval of watershed plans, implementation funds would be allocated consistent with Council criteria.

The program would be designed to satisfy the habitat conservation plan requirements of Section 10 of the ESA, which exempts an activity from the prohibitions and requirements of the Act if and when an appropriate plan has been adopted and implemented. The Council's program would be considered a systemwide habitat conservation plan. In the absence of a final Council program, all provisions of the ESA would remain in effect. The ESA would not need to be amended.

Any of the approaches to independent scientific review could be applied to this program, but they would be focused on watershed functions rather than species effects *per se*. Judicial review of Council decisions would be available, and financing would be shared between hydropower revenues and federal appropriations in the same proportion as currently occurs now.

6.2.6 A Regional Endangered Species Agency for Hydropower

Ranking:	Centralization	4
	Coordination	6
	Regional	4

A Northwest Rivers Commission would be established "to protect and restore a healthy, sustainable Northwest fishery," particularly ESA-listed species. An advisory council would assist the Commission with subcommittees for river operations; fish resources and facilities management; fish harvest; agriculture and irrigation; and public land management. The Commission would assume most ESA functions, subject to approval by the President. The Commission would: determine whether proposed actions jeopardize listed species; develop recovery effort plans for ESA species; approve incidental take permits; and develop habitat conservation plans. The President would have the power to veto the Council's actions only if they are inconsistent with the Endangered Species Act. The ten-person Commission would include two governor-appointed members from each state, and two tribal members appointed by Secretary of Interior. The pattern of representation—eight state and two tribal representatives—implies that state interests should be better represented in ESA decisions.

Analysis of the proposal

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

Power: The approach would leave ultimate ESA decisionmaking authority with the President, but would 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.

6.2.7 A Comprehensive Agency for the River

Ranking:	Centralization	3
	Coordination	4
	Regional	3

This agency (a unified Commission) would develop and implement comprehensive long-term and annual plans for federal project operations, species conservation, and water quality and quantity. Integrated policies would cover management of federal (and federally licensed) water projects; interstate standards for water banking, conservation and related issues; mitigation planning for fish and wildlife affected by the waters of the system; and water quality for the Columbia River. This model sees the problem as the multi-government's fragmented approach to a hydrologically and ecologically integrated and managed river system. The model would not tie Commission authorities to the current ESA, the Regional Act, the CWA, and other laws. Regardless of how these laws change, the river agency would manage the river in an integrated way to meet evolving needs.

Membership would be made up of the governors of the four states (or their designated alternates); one or more Presidentially appointed federal representative(s); and tribal representatives. 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.

Analysis of the proposal

The Problem: This model sees the problem as not just fish and wildlife, hydropower, or the ESA. 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 (CWA, treaty obligations, etc.) would apply to the river agency as though it were a federal agency. The agency would not supplant the NMFS, the USFWS, the EPA, and others, but would be required to consult with them to determine whether the river agency's plans and projects comply with applicable laws.

Regardless of how these laws change, the river agency would manage the river in an integrated way to meet evolving needs.

As 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 CWA, and other laws.



It is important for the reader to remember that the governance structure lies behind and supports the overall makeup of the regional fish and wildlife policy being followed. Any governance structure and the people implementing it will have to keep in mind concerns for the following:

- natural environment;
- socioeconomics of the region;
- differences in regional values among groups and individuals;
- legal parameters and limitations; and
- political pressures to act in certain ways.

However we as a region choose to carry out our responsibility for public policy on fish and wildlife and determine the appropriate human intervention, we will need a governance structure to assure it is actually carried out. Any structure selected will need commitment of all parties to succeed.

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