**Bi-State Watershed Management Group**  
*Organizational Alternatives*

**Introduction**

The purpose of this paper is to provide a summary of the existing Walla Walla Basin Flow Study Steering Committee operating procedures/decision-making process, and to evaluate alternative operating processes which may be more appropriate as the Steering Committee transitions to a Bi-State Watershed Management Group.

**Background**

The Walla Walla Basin Integrated Flow Enhancement Study was initiated to determine the best package of options for increasing streamflow in the Walla Walla Basin for native fish, while maintaining the viability of and water availability for irrigated agriculture, residential and urban use. The Study was funded by the WA Dept. of Ecology, and a Steering Committee was formed to guide decision-making processes, with major decisions ultimately lying with the officials of the groups the Committee members represent. The Flow Study effort is now nearing completion, with a transition to the Watershed Management Group, under a grant provided by the US Bureau of Reclamation (USBR). Phase 1 of that grant has no specific organizational structure requirements. Potential eligibility for Phase II (implementation) requires a “grassroots” local decision-making structure with consensus-based decision making.

A governance structure which can accommodate new information, changing conditions and priorities, and additional participants tends to be the most durable and effective. The ability to consider and address the interests of non-participants will add credibility and legitimacy to the organization.

**Existing Structure – Bi-State Flow Study Steering Committee**

The existing Steering Committee is comprised of voting, ex-officio and advisory members representing a range of Basin stakeholder groups. Each organization designates one person to represent it on the Steering Committee. The Steering Committee is tasked with making decisions with respect to all phases of the Flow Study, on a consensus (minimum 2/3 of members present) basis. Decision making on high-level issues occasionally is conveyed to the funding recipient (WWWMP or WWBWC), or to the elected officials of a representative organization.

Some key discussion issues with the current organization structure are summarized below:

1. Should an Executive Committee be added to the list to help streamline workflow?
2. The list of members should be updated following the integration of new members.
3. Has the consensus definition worked for everyone?
4. Recent meetings have made decisions without the rigidity of the red, yellow, green card mechanics. Has it been working well? Should we retain or change this section?
5. Should the authority section be changed after review of the Alternative Organization structure review below?
6. How does the authority desired to be vested with the Bi-State Caucus intersect with the legal issue of protection of cross-state assets?
Alternative Organizational Structures

In evaluating potential changes to the organizational structure of the Steering Committee, we gathered information on the following Alternative Organizations. They are divided into Interstate and Intrastate organizations.

**INTERSTATE ORGANIZATIONS:**

1. **Palouse Basin Aquifer Committee (PBAC)**

   The Bi-State (WA-ID) organization was formed in 1967 to address concerns with ground water levels in the Palouse Basin aquifer. The primary role of the PBAC is to implement the Palouse Basin Ground Water Management Plan, enacted in 1992. This Plan seeks to ensure a safe supply of ground water, in terms of quantity and quality, for the Pullman-Moscow Basin. It provides an example of an interstate cooperative organization working in coordination to serve common water resource goals in both states.

   **Membership:**
   - Representatives from affected bi-state municipalities (2), counties (3) and universities (2).
   - Up to two (2) voting members from each entity. Preference is for each entity to provide one member with a technical background, and one elected/administrative representative.
   - Two ex-officio members from 2 state agencies
   - One member serves as Chairman, one member serves as Vice Chairperson

   **Voting:**
   - Each member has 1 vote. A simple majority of members present is required for a motion to pass; in the case of a tie, the motion fails.
   - A quorum exists when a majority of all parties is represented by at least one voting member at a meeting.

2. **The Columbia River Gorge Commission**

   The majority of examples of working interstate water organizations are structured around the administration of interstate compacts, or agreements, regarding allocation and management of interstate water resources. They are generally more formal, “top down” management groups, as opposed to more “grassroots” type organizations. These compacts vary considerably in terms of purposes and structures for implementation. There are more than 20 such compacts in the western U.S., one of which is the Columbia River Gorge Compact. The authorities and makeup of the Columbia River Gorge Commission are derived from the Columbia River Gorge Compact itself.

   **Membership:**
   - WA & OR governors each appoint 3 commissioners; one of the three must be a resident of the area.
   - The 6 Gorge counties each appoint one commissioner.
   - The USFS, which is the federal manager for the area, is a non-voting member.

   **Voting:**
   - Decisions subject to judicial review.
   - Each member has 1 vote
   - Majority vote of quorum; in the event of a tie, measure fails
3. **The Platte River Recovery Implementation Program**

In July 1997, the governors of three states (Nebraska, Colorado and Wyoming) joined with the USFWS, water users and environmental groups to sign a Cooperative Agreement to develop a plan to manage land and water to provide benefits to four target ESA species. A Final Program Agreement was signed in 2007, and a Governance Committee (GC) currently is in place to implement the program. The GC is made up of representatives of the three states, federal agencies, water users and environmental groups. There are several advisory committees established to assist the GC in implementing the program (Technical, Land, Water, Finance and an Adaptive Management Working Group). An Executive Director was hired who formed a company to provide scientific staff (20+) to assist in implementing the $320 million (2005 $) program.

**Membership:**
- 11 member Governance Committee
- Representative of NE, CO & WY (1 each); USBR, USWFS (1 each), water users (3), and environmental groups (3)
- Independent Administrative arm (for-profit corp. - implementation service)
- Three advisory committees – land, water, science (independent)

**Voting:**
- Consensus
- 11 members, 10 votes (environmental groups – 3 members, 2 votes)
- A 9 vote majority can pass a measure, provided all fed/state members vote “yes”

4. **Lower Columbia Estuary Partnership**

The Lower Columbia Estuary Partnership is a 501(c)3 non-profit corporation established in 1995 for the public benefit and purpose of protecting the lower Columbia river and estuary. The Partnership seeks collaboration to build on present efforts; restore habitat while advancing science; improve river conditions and innovate and adapt to a complex system with changing conditions and needs. The Estuary Partnership specializes in getting results on-the-ground and helping policy makers make sound natural resource decisions. Base funding is provided by the US EPA and OR & WA state governments. The Partnership also obtains specific project support funding, and corporate contributions.

**Membership:**
- Board consists of local, state and federal government representatives, business owners, tribal representative, environmentalists, and attorneys (17 total members).
- Ex-officio Board membership consists of 6 federal government agency representatives (EPA, NOAA, USFWS, USCOE, USGS)
- Partnership has an Executive Director with a staff of 22 (Community Relations, Science and Education Teams) to oversee day to day operations

**Voting:**

<<research ongoing>>
5. **Potomac Drinking Water Source Protection Partnership**

The PDWSPP is a coalition of water utilities and management and regulatory agencies focused on a comprehensive approach to protecting raw water drinking supplies in the Potomac River basin. Their mission statement reads as follows: “To serve as a cooperative and voluntary partnership working towards the goal of improved source water protection of the Potomac River in recognition of the vital role of the river in supplying drinking water to millions of people within the Potomac watershed and in support of the multi-barrier approach to safeguarding the drinking water supply for public health.”

**Membership:**
- Any community water system that derives all or a portion of its drinking water supply from the Potomac River Basin is invited to participate. Any state, interstate or federal agency that has a role in source water protection in the Potomac River Basin is invited to participate.
- There are several committees within the Partnership, each operating someone independently of each other: Governmental Partner; Metro Area Utility Source Water Protection; and other Regional Utility Source Water Protection Committees.
- The CP committee seeks to form regionally-based advisory panels consisting of watershed groups and local gov’t agencies to advise individual Partnership committees.

**Voting:**
- Each committee operates on consensus based decision making.
- Committees seek to obtain consensus with other Partnership committees
- Where consensus among committees cannot be reached, each committee may establish their own position

**INTRASTATE ORGANIZATIONS**

6. **The Blackfoot Challenge, Inc.**

This organization was incorporated as a 501(c)3 non-profit in 1993. The group seeks to promote cooperative management of the Blackfoot River, its tributaries and adjacent lands in Montana. The Board oversees various committees which oversee community-based programs, including irrigation efficiency projects and implementation of a cooperative water management/drought response plan. The Board consists of members drawn from municipalities, counties, conservation districts, businesses, landowners, non-profits, and State/Federal agencies with an interest within the Blackfoot watershed. Particularly relevant as an example of a locally governed water management system, utilizing voluntary water use reductions and peer pressure to encourage participation during periods of low streamflow; strong local representation. Board may create subcommittees with specific authorities as Board deems appropriate.

**Membership:**
- Board of Directors - 10 to 21 members (voting, unless agencies require abstention from voting)
- General Membership – any individuals/organizations that support the mission. Non-voting.
- One Board member serves as non-voting Executive Director

**Voting:**
- One vote for each Board member; Consensus based.
- Board members elected from a slate of candidates proposed by Nominating Committee.
- No proxy votes allowed.
- Quorum is one-third of seated voting members.
7. **Icicle Strategy**

The Icicle Strategy seeks to find collaborative solutions for water management within the Icicle Creek drainage. Nine (9) Guiding Principles were adopted to provide a suite of balanced benefits for existing and new hatchery, domestic, and agricultural uses; fish, wildlife, and habitat use; protecting treaty and non-treaty fishing interests; and ensuring compliance with state, federal, and Wilderness laws.

Membership:
- Tribes, state, federal, and local agencies, irrigators, municipalities, and environmental groups.
- The Icicle Strategy is structured around the Icicle Workgroup which is analogous to the Walla Walla Steering Committee and has about 2 dozen voting members. They also have a smaller Steering Committee of about 7 members that help coordinate contractor work, coordinate funding pursuits, and set agendas for the Workgroup. The Steering Committee can commission smaller workgroups (similar to Walla Walla TWGs) to tackle specific issues.

Voting:
- Each member has 1 vote
- Consensus is the goal. A dispute resolution process exists when consensus is not achieved.
- Final decision making on permitting, funding, and regulatory decisions rests with member organizations, informed by recommendations from the Icicle Workgroup.

8. **Snake River Salmon Recovery Board**

The Snake River Salmon Recovery Board (SRSRB) was self-created pursuant to RCW 77.85.030 for the purpose of developing and implementing a salmon recovery board for SE Washington. The Board is structured as a committee that recommends policy, programs and funding consistent with the 2011 SE Washington Salmon Recovery Plan. The Board also serves as the Lead Entity for the Snake River Region, developing, ranking, and allocating funding for locally based habitat projects for salmon recovery.

Membership:
- Board Membership: County (5) and Tribal (up to 2) representation – 3 from each entity
- The Board has created a Lead Entity subcommittee and a Regional Technical Team (~14 members total), for the purpose of evaluating and ranking habitat projects for submittal to the Board. Membership includes local, state and federal gov’t, tribal, and citizen representatives.

Voting:
- Each member has 1 vote
- Quorum is 4 of 6 entities and at least 8 voting members
- Consensus based – 80% of quorum

In June 2009, Ecology and Reclamation brought representatives from the Yakama Nation, irrigation districts, environmental organizations, and federal, state, county, and city governments together to form the Yakima River Basin Water Enhancement Project (YRBWEP) Working Group to help develop a consensus-based solution to the basin’s water problems. Over the next 18 months, the group developed the Yakima River Basin Integrated Water Resource Management Plan (Plan). The Plan includes elements regarding fish passage, surface storage, groundwater storage, market-based water re-allocation, and enhanced water conservation.

**Membership:**
- Broad-based Work Group with goals of 1) providing adequate water supply for in and out of stream purposes during drought conditions, and 2) restore fisheries resources and habitat in Yakima Basin
- Members: 4 Federal Gov’t, 2 Tribal, 3 State Gov’t; 4 County Gov’t, 5 Irrigation Districts, 3 Stakeholders (F&W, Storage Alliance)

**Voting:**
- Consensus – unanimous vote
- Consensus vote based on 6 option continuum – from “Endorse” to “Formal Disagreement but will go with majority”. Vote for any of 6 options is consensus vote
- Blocking vote is one “disagreeing and not supporting” decision


Other examples to consider could be those provided by the existing local watershed groups already existing in the basin. Members could be selected and approved by the respective organizations, with delegated authority for decision-making with respect to the administration of state and federal funding associated with the flow study. The Oregon group is organized as a 501(c)3 non-profit, while the structure of the Washington group is specifically defined in state statute (Chapter 90.92 RCW).

**Membership (Oregon):**
- 3 to 21 directors; each with a 3-year term
- Diverse and broad representation of interested and affected persons in watershed, public and private
- All directors must reside in WW Basin (CTUIR excepted)
- Board is approved by Umatilla County Commissioners (CTUIR excepted)

**Voting (Oregon):**
- Quorum – majority of elected directors
- Majority rule

**Membership (Washington):**
- Members from: CTUIR; Counties (2); largest municipality (City of WW); largest water user (GFID); Conservation Districts (1). These members appoint three additional members, representing a). environmental interests, b). water right holders, and c). citizen at large.
- Each member serves a 2-year term.

**Voting (Washington):**
- Quorum – majority of elected board members.
- Majority rule.