PUGET SOUND MONITORING CONSORTIUM

GOVERNANCE COMMITTEE

Wednesday, 25 March 2009 9:00 AM – 11:30 PM
U.S. Geological Survey Washington Water Science Center Office
934 Broadway, Tacoma

FINAL SUMMARY

OF THE MEETING'S DISCUSSIONS

Attendees and the organizations they represent:

Josh Baldi, Washington State Department of Ecology; **Cindi Barton**, U.S. Geological Survey; **Allison Butcher**, Business Caucus and Master Builders Association of King and Snohomish Counties; **Bruce Crawford**, NOAA Fisheries; **Rob Duff,** Washington State Department of Ecology; **Tom Eaton**, U.S. Environmental Protection Agency; **Maryanne Guichard**, Washington State Department of Health; **Heather Kibbey**, City of Everett; **Martha Kongsgaard**, Puget Sound Partnership's Leadership Council; **Kit Paulsen**, City of Bellevue; **Scott Redman**, Puget Sound Partnership; **Bill Ruckelshaus**, Puget Sound Partnership's Leadership Council; **Susan Crowley Saffery**, City of Seattle; **Jim Simmonds**, King County; **Ron Shultz**, Washington State Conservation Commission; **Randy Shuman**, King County; **Heather Trim** (People for Puget Sound), Environmental Caucus of the Puget Sound Partnership; **Bill Wilkerson**, Puget Sound Partnership's Leadership Council; **Terry Wright**, Northwest Indian Fisheries Commission; and **Karen Dinicola** (Ecology), Project Manager.

COMMITTEE DISCUSSES ITS RECOMMENDATIONS WITH THREE MEMBERS OF THE PUGET SOUND PARTNERSHIP'S LEADERSHIP COUNCIL

The conversation began with staff providing a brief history of the development of the group's recommendations and the activities and future plans of the Consortium. All three of the Leadership Council members present expressed their appreciation for the work done by this committee and its predecessor, and acknowledged that there is yet much work to be done to help the Partnership make its decision and to maintain forward momentum in creating a coordinated monitoring and assessment program for Puget Sound as soon as the decision is made. The group briefly discussed why it falls to the Leadership Council to make this decision, and it was generally agreed that the Partnership, as the "policy train" for Puget Sound – and in particular the Leadership Council as its governing body – has the responsibility and authority to make this important policy decision.

Leadership Council members were interested in hearing more discussion of the "pros and cons" presented in the draft table developed by the committee's facilitator Jim Reid and dated March 10th. The point was clarified that any and all of the concerns expressed about either model can be addressed, but that some members are of the opinion that this will be harder to do for one model over another. It was further pointed out that all but a handful of the organizations represented today have not officially taken a position as to which model should be chosen. The group then

decided to depart from the revised agenda and instead to go around the table with each Governance Committee member present sharing his or her opinions and insights. Leadership Council members asked questions and provided some of their own insights during this round-table discussion. With some notable exceptions, the discussion focused on the benefits and challenges of setting up a private, non-profit institute to house the coordinated monitoring program in Puget Sound. The following key messages were expressed:

Regarding credibility and perception:

- The data need to be trustworthy for all stakeholders – the information itself needs to be tough to challenge. Recognizing the unique nature of the Partnership as a different kind of state agency, it might still be easier to question the motive behind information coming out of the Partnership. Stand-alone information from an independent entity that has no management or regulatory authority or responsibility and is responsible only for collection and analysis of data will have the most perceived credibility. This challenge could be addressed in creating a program at the Partnership but extra steps may be required.
- Need to directly address underlying distrust between regulators and regulated entities.
- The Partnership is currently all about policy. A strong science program needs to be set up and could be done either way.
- Having a separate institute dedicated to the science functions may strengthen the Partnership's situation: "This is the information we have and this is where we need to go."
- Credibility is the strength behind the organization: guard the program's impartiality from the outset, and continue to make this a priority. Provide a firewall between data and policy.

Regarding participation:

- All of the players need each other.
- Openness and cooperation are absolutely necessary in setting up a successful program, setting priorities, and protecting essential science activities.
- Of particular interest and importance is who controls what questions are asked, and how they are presented to the scientists charged with answering them.
- We need a way to get past the tendency of each stakeholder to want to do things their own way; and in particular for ongoing programs to continue doing things a certain way.
- All stakeholders need access to good data, and it is essential that the right entities be selected to conduct the monitoring under either model.
- Coordinate, don't take over.
- The San Francisco Estuary Institute has a 5-year review to ensure its program is meeting the needs of its clients.
- A strong program's participants/partners will defend it in times of uncertain budgets.

Regarding concerns about State natural resource agency roles:

- Need to address autonomy up front: recognize regulatory mandates and associated science needs as well as capacities to collect and analyze information.
- The important long-term monitoring work of PSAMP needs to continue; but its organization and perhaps its focus likely needs to change under either model, and unlike in the current PSAMP, efficacy absolutely needs to be addressed and the monitoring information directly tied to management decisions.
- It is important to counter the tendency for provisoed funds to be shifted to other agency priorities.

Regarding Tribal treaty rights:

- Either model needs to recognize the treaty rights of Tribes. The Partnership has a direct legal link but such a link could be included in setting up the institute.

Regarding costs and funding:

- Stable long-term source of funding is required – not just state and federal funds.
- An obvious point of coordination for cost sharing is needed.
- Local governments are more likely to participate in an independent private institute.
- "Pay or play" option has been successful in programs elsewhere.
- Many businesses indicate they are more comfortable with the idea of contributing funds to a private institute, but there is potential for them to contribute to either.
- It would likely initially be less expensive to implement a program at the Partnership but not necessarily so in the long run.
- The main difference in costs is having an institute director versus a Partnership staff person overseeing the program, and this difference may be offset in the long term.

Regarding concerns about setting up yet another program structure:

- Need to clearly articulate the benefits of doing so.
- There's already enough confusion, particularly in the science and monitoring realm – is an institute (or even a new program at the Partnership) really the simplest way of doing the necessary interagency coordination and cross-topic integration, and why?
- Legislators are already confused by all of the groups and their roles, and wary that the Partnership, Forum, and Consortium are not coordinating among themselves.
- Wasn't the Science Panel created to do this? To be the independent entity? To resolve disputes about the data and inform the Leadership Council and Ecosystem Coordination Board in their decision making?
- We know how to interface with the Partnership, an institute will create another entity with which to coordinate – don't create another layer.
- In the current economic situation, we need to identify what shouldn't continue to be done.

Regarding essential program elements:

- Ensure that analysis of the data is sufficiently funded.
- Absolutely need strong quality assurance and control program and to develop, operate and maintain a database that allows access to the information by all partners and the public.
- Make certain the correct data are collected to provide accountability.

Regarding the transition to the new program over time:

- It will take a lot of work, some of it difficult and contentious, to get the new program going.
- We need a decision in May so that we know where we're headed over the next 2 years – we also need to develop both an interim and a long-term strategy to get there, and we should begin work on that now.
- No one wants to wait – the program should begin at the Partnership, and, if that is the decision, transition to the institute over time.
- Local government urgency is driven by Ecology permit timelines.
- Legislation is recommended and likely necessary to set up the institute – work with state legislators in preparation for the 2010 session will begin this summer, possibly amid a larger conversation about government reform (highlight the progress and deliverables thus far)
    - Some of the best work done by the Consortium is the pilot projects to establish sampling protocols and standardize data management for high-need topics, and convening the Stormwater Work Group.
- Focus on bullet 7 in pros/cons document: who will lead this new program during the transition and in the long term – it will take a major effort for either model.

- Need to be clear about what we are recommending and what types of monitoring are and are not being recommended for inclusion in the new coordinated monitoring program. The accountability functions remain at the Partnership.
- Need to decide where to start (what work groups: stormwater, salmon recovery, toxics…).
- Be clear as to the future of the Consortium.

LEADERSHIP COUNCIL MEMBERS ASK GOVERNANCE COMMITTEE MEMBERS FOR ADDITIONAL ANALYSIS AND RECOMMENDATIONS

The Leadership Council is prepared to take on making the decision in May as to which governance model to implement. In order for this decision to have an effect, they need to know more about what next steps are needed to set up the new program. To that end they will seek their Attorney General's advice as to the breadth and limits of the Partnership's current authority to create this new program under either model. The Council members suggested the following questions for which the Committee might provide some answers:

- What level of initial (transition and new program) staffing would the Consortium recommend and what would their duties be?
- What particular next steps are needed, in what order, to set up the new program? What should be our plan for the next six months?
- If legislation were required by the new program, particularly to set up the institute, what might it look like? How would the program be defined?
- How clearly can you articulate exactly what it is we are asking for? How will this new program make monitoring more efficient? Why is it needed to recover Puget Sound?
- Can you fill out the bottom part of your diagrams: what are the roles and responsibilities? How does the cross-communication happen, by whom?
- What would be the start-up costs for each model? What are sources of initial funds? What is the long-term operational cost comparison for the two models?
- Are there initial ideas or recommendations of priorities? Are there programs or activities that could be consolidated, cut or curtailed in order to move forward with creating this new program?
- What will local governments contribute to this program? And how secure is that commitment?

Partnership staff will prepare communication from the Partnership clarifying and articulating the most immediate information needs of the Leadership Council, and in particular those with which this Committee can be of greatest assistance.

NEXT STEPS

Consortium staff will draft some possible next steps to implement a transition. The Governance Committee will reconvene in mid-April. A meeting date and location will be determined in the next week or so.