COMMUNITY-BASED WATERSHED MANAGEMENT

LESSONS FROM THE NATIONAL ESTUARY PROGRAM

FEBRUARY, 2005

Chapter 2:
Establishing a Governance Structure

INTRODUCTION

Each estuary program develops a governance structure that serves as the forum for bringing together diverse stakeholders to identify issues and develop the Management Plan. This governance structure, referred to as the Management Conference, is composed of the NEP Program Office and various stakeholder committees. The governance structure acts as the organizational umbrella under which each program is conducted.

The NEP office can be located in a variety of institutional settings, from state or local agencies to universities or nonprofits. Its committee structure provides the platform for collaborative decision-making and reflects citizen concerns and the unique problems and characteristics of the watershed. A comparatively small area located within a single state generally requires a simpler committee structure than a much larger, interstate watershed. Most programs target five general constituencies as key members of the governance structure: elected and appointed policymaking officials from all governmental levels; environmental managers from federal, state, regional, and local agencies; local scientific and academic communities; private citizens; and representatives from public and user interest groups—businesses, industries, and community and environmental organizations.

This chapter explains how the NEPs develop a governance structure and support the work of stakeholder committees. The chapter describes how the NEPs provide a forum for open

NEP PRINCIPLES IN CHAPTER 2

- The Management Conference is a forum for open discussion, cooperation, and compromise that results in consensus.

- The Management Conference promotes sharing of information and allows participants to make efficient use of limited staff resources.

- The committees that comprise the Management Conference should remain open to new members as the community learns about the program and wishes to participate.

- An NEP's institutional affiliations affect perceptions about the program. An NEP based in a government agency, for example, must work to demonstrate that it is committed to the entire range of stakeholders, not just its host agency.

- An NEP office, regardless of its institutional setting, should have some degree of autonomy and visibility. Autonomy shows that the office is committed to the entire range of stakeholders and visibility builds support for future funding of the program.

discussion, cooperation, and compromise that results in consensus. Examples of governance structures show how the NEPs set a course for their programs, direct day-to-day operations, coordinate with local governments, and ensure long-term financial support.

THE NEP GOVERNANCE STRUCTURE

All Management Conferences establish several core committees to carry out their work. These generally include a policy and management committee and advisory committees for technical and citizen input. Some NEPs also have committees dealing with finance and local government. A director and program staff coordinate these committees and are accountable to the Management Conference. The NEP director and staff are also responsible for facilitating the development of the Management Plan, supporting its implementations, and producing documents, such as annual budgets and work plans. **Figure 2.1** depicts the organizational structure of a typical NEP Management Conference. **Figure 2.2** (on page 10) shows the organizational structure from the Lower Columbia River Estuary Partnership.

The following sections describe how the NEPs are involved in:

- setting the direction for the program;
- directing day-to-day program activities;
- involving stakeholder groups and the general public;
- conducting scientific investigations to support Management Plan actions;
- working with local governments; and
- ensuring long-term financial, political, and community support.

KICKOFF MEETINGS

A kickoff meeting is a good first step in developing a governance structure. As a media event, such a meeting can make the public aware that all is not well in the watershed. As an educational platform, it provides a forum for identifying problems and concerns. The kickoff meeting is also an opportunity to involve all interested people and groups concerned about and affected by the watershed's problems. Furthermore, it is a chance to include influential officials in the earliest deliberations. As an outgrowth of the meeting, project participants can be organized into committees and workgroups and assigned responsibilities.

SETTING THE DIRECTION FOR THE PROGRAM

Policy Committee. Most NEPs establish a Policy Committee to create a long-term vision, set priorities, and provide overall direction. The Policy Committee is typically composed of high-level federal, state, and local government decision-makers that set the general tone and direction for the program and help ensure that resources needed to support the program are available. The EPA Regional Administrator or state governor often appoints Policy Committee members. Additional state and local representatives

may also be members. These members may include appointees from the water department or water quality board, the public health department, or the department of natural resources. In some programs, chairpersons from other committees also sit on the Policy Committee.

The members of the Policy Committee frequently make decisions on recommendations from all of the other committees. While this committee guides, reviews, and evaluates the program, it usually leaves the operational duties to the Management Committee.

DIRECTING DAY-TO-DAY PROGRAM ACTIVITIES

Management Committee. A core group is needed to ensure that the day-to-day work of the committees gets done. This group, often referred to as the Management Committee, is responsible for the nuts and bolts of the planning and implementation
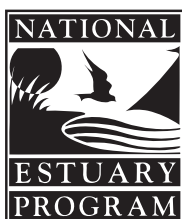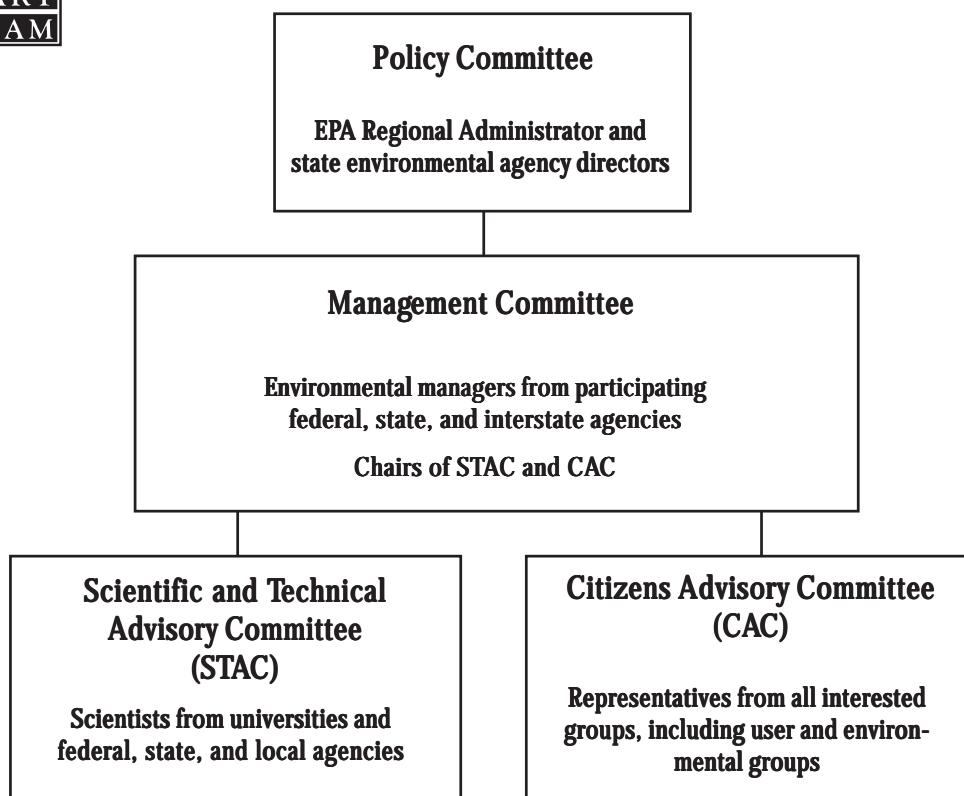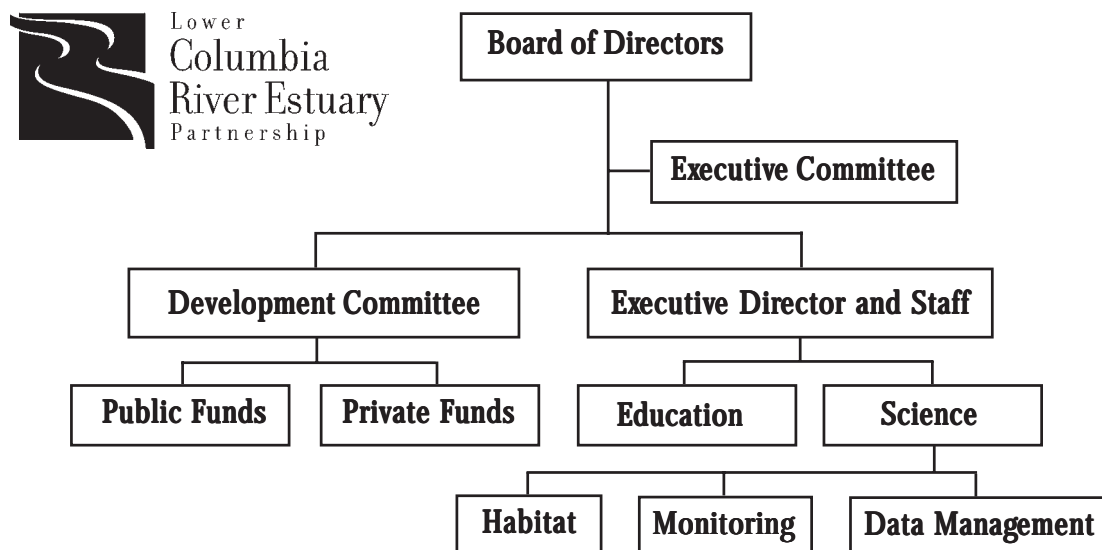
Figure 2.1: Typical NEP Management Conference organizational structure

Policy Committee

EPA Regional Administrator and state environmental agency directors

Management Committee

Environmental managers from participating federal, state, and interstate agencies

Chairs of STAC and CAC

Scientific and Technical Advisory Committee (STAC)

Scientists from universities and federal, state, and local agencies

Citizens Advisory Committee (CAC)

Representatives from all interested groups, including user and environmental groups

Figure 2.2: Organizational structure for the Lower Columbia River Estuary Partnership

Note: *In addition to standing committees, the board may also form additional committees or work groups to assist with specific activities. Standing committees may also form subcommittees.*

process. Management Committee representatives usually include mid-level agency managers and technical staff from the involved federal, state, regional, and local government agencies. Advised by staff, work groups, and other committees, the Management Committee defines and ranks the problems of the watershed, develops management strategies, and oversees development of the Management Plan and its components. Management Committee activities typically occur under the general guidance and direction of the Policy Committee.

The Management Committee makes recommendations on who should serve as members of the various advisory committees, and chairpersons from each of these committees typically sit on the Management Committee. This facilitates clear communication about the program's goals and objectives to the program staff and committees. Clear communication allows the committee members to gain a better understanding of their roles and responsibilities as well as the activities needed to meet program goals.

The Management Committee develops and oversees annual work plans and budgets, approves all resource and funding allocations, oversees program implementation, and monitors environmental results. In addition to defining specific tasks necessary to achieve conference goals, the annual work plan provides an opportunity to integrate

planning and resources of key Management Committee members and develop synergy among various organizations. If developed properly, the work plan process can expand the influence of the NEP by providing a vehicle for requesting and obtaining matching funding at the state and local levels.

The Management Committee is also responsible for informing the public about program activities and providing public involvement during each phase of the management process. To ensure this, the Citizens Advisory Committee, typically in coordination with the Management Committee, develops a public participation program.

INVOLVING STAKEHOLDER GROUPS AND THE GENERAL PUBLIC

Citizens Advisory Committee. To generate public support for the program, citizens must have a vested interest in the outcome of its activities. For this to occur, the public must participate in each phase of the planning and implementation process—forming a management structure for the program; identifying and prioritizing the problems facing the watershed; creating a Management Plan; implementing the plan; and monitoring progress and program success. Examples of how the public can be involved in each of these steps are shown in **Table 2.1** (on page 12).
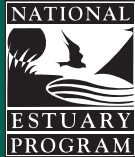
Most NEPs form a Citizens Advisory Committee to ensure that the Management Committee and program staff include the public in the decision-making process and integrate the public into each program phase. The Citizens Advisory Committee recommends the most effective ways to inform the public and solicit its participation. It also identifies key people and organizations that can help bring watershed-related issues to the public's attention and build support for program activities. To successfully incorporate the public into these processes, the Citizens Advisory Committee must work closely with other committees, such as the Scientific and Technical

> ***WHAT IS PUBLIC PARTICIPATION?***
>
> Public participation is a two-way process consisting of informing stakeholders about the watershed—public outreach—and eliciting participation in program activities and the decision-making process—public involvement. The success of a public participation strategy can be measured by increased awareness of the watershed, enhanced support for management actions, and greater participation in the planning and implementation processes.

Advisory Committee. For example, the Citizens Advisory Committee can work with the program's outreach coordinator to present scientific findings to the public. By forming a Citizens Advisory Committee as part of the program's management structure, the program ensures representation of public concerns while options are fluid, rather than after data collection and analyses have been completed and final decisions made.

Table 2.1: Examples of public participation in the NEP

Phase	Public Participation Program Components	Results/Outcomes
Establishing a Governance Structure	• Identify stakeholders—potentially interested and affected parties. • Develop a process for public input and participation. • Develop a vision, preliminary goals, and objectives for the program.	• Agreement on Management Conference. • Involvement of individuals and groups with expertise and interest in subject area as well as those who are potentially impacted. • Build constituencies.
Linking Good Science and Sound Management	• Conduct public opinion surveys to identify those issues of greatest concern and measure public understanding of watershed issues. • Hold workshops to gather information from local residents and disseminate scientific findings. • Use resource valuation/comparative risk ranking to prioritize problems.	• Watershed users help determine the focus of the program. • The public decision-making process is guided by science. • Controversial issues are identified. • Participants develop a shared understanding of the problems.
Developing the Management Plan— A Blueprint for Action	• Refine program visions, goals, and objectives through public meetings and workshops. • Utilize charettes, constituent focus groups, workshops, etc., to identify all possible options for addressing problems. • Utilize focus groups and public and technical input to develop criteria, narrow the range of options, and refine actions. • Obtain commitments and widespread community support for actions.	• A plan is created and built that all parties support. • Strong public support helps to secure governmental agency commitments for implementation. • Recommended actions are created that are measurable and achievable and take into account social impacts and impacts on quality of life.
Implementing the Management Plan	• Conduct a public review of the draft management plan. • Distribute the management plan and/or public summary documents to stakeholders. • Educate new residents and participants about the mission, goals, and progress of the program. • Utilize tools such as environmental report cards to update constituents on implementation progress and program successes. • Encourage citizens to implement "good housekeeping" best management practices. • Conduct volunteer monitoring and other ways to use volunteers. • Conduct public opinion surveys to determine behavior changes and trends in public perception of NEP progress. • Involve the public when plan redirection or reformulation is needed. • Add to or modify participating entities as needed. • Form institution oversight organizations—public watchdog.	• Interest in conservation and management is sustained/ enhanced. • New participants and their interests are brought into the process. • Residents are actively involved in management plan implementation and monitoring. • Information on public attitudes and behaviors is used to evaluate success of public participation efforts.

Based on EPA RESOLVE Workshop, June 1997, and *Integrating Technical Analysis with Deliberation in Regional Watershed Management Planning: Applying the National Research Council Approach.* [1999] by Thomas Webler and Seth Tuler.

A typical Citizens Advisory Committee represents a broad spectrum of major resource groups, such as fishing interests, farmers, and recreational users. It also includes representatives from various environmental organizations and citizen councils. Also important are representatives from business and industry, such as lumber, shipping, and petrochemical manufacturing. Of course, representation will vary with the type of stakeholders present in the watershed. Some programs, particularly in populous areas with numerous established stakeholder groups, focus membership on individuals that can represent a given constituency and serve as liaisons to that group. In these cases, if the individuals lose their connection to their constituency, new representatives are assigned. Other programs encourage individual citizens to serve directly on the Citizens Advisory Committee. Members of the general public who will work with the program constructively and effectively, and who care about the issues and the program, often make a contribution that is as valuable as that of a seasoned community leader or environmental resource manager. Regardless of the makeup, the Citizens Advisory Committee should remain open to new members to ensure widespread representation as more members of the community learn about the program and as new interests and issues arise. In very large watersheds, such as the Long Island Sound drainage basin with a population of 8.4 million, it may be necessary to establish guidelines for membership.

Citizens Advisory Committee membership should reflect the program's purposes for the Committee. Although each program establishes its own criteria for appointees, nominees generally meet one or more of the following criteria.

- Serve as spokespersons for a major user or interest group and bring information back to that group.
- Are well-respected leaders in the community.
- Have experience in the development of water quality and resource management policy.
- Have experience with volunteer nonprofit groups, the general public, outreach and education activities, and the media.

CITIZENS ADVISORY COMMITTEE OUTREACH ACTIVITIES

The Long Island Sound Study developed membership evaluation guidelines to determine the basic eligibility of an applicant for membership on the Citizens Advisory Committee. These guidelines include a member composition requirement (e.g., a fair distribution of members from New York and Connecticut and among various membership categories including environmental, conservation, and watershed associations; user community groups; regional and local government agencies; and environmental education or academic organizations) and specific membership criteria (e.g., evaluation of potential bias, minimal knowledge or interest in water quality and resource management issues, and an ability to attend meetings regularly). The Citizens Advisory Committee application process requires potential members to submit a letter of interest and undergo a formal evaluation by the membership committee. For additional information, see www.longislandsoundstudy.net.

- Understand the technical and economic feasibility of the pollution control options under consideration.
- Understand the consensus-building process.
- Are energetic and motivated individuals.

Although many NEPs use a Citizens Advisory Committee as a formal mechanism for public involvement, this does not preclude the need for general public participation. The Citizens Advisory Committee often creates a strategy that outlines when and how to involve groups and individuals in the community.

CONDUCTING SCIENTIFIC INVESTIGATIONS TO SUPPORT MANAGEMENT PLAN ACTIONS

Scientific and Technical Advisory Committee. Although the program is fundamentally a management program rather than a basic research program, the importance of obtaining sound scientific information cannot be overstated. Stakeholders and those responsible for implementing recommended management strategies need actions that are based on firm scientific findings. To ensure that recommended actions are tied to good science, most NEPs form a Scientific and Technical Advisory Committee to recommend scientific studies, investigations, sampling, and monitoring programs to the Management Committee that are necessary to determine the causes of observed or perceived environmental problems. This group is integral to the characterization phase, discussed in **Chapter 3: Identifying Problems and Solutions.** Depending on the problem, Scientific and Technical Advisory Committee members recommend the specific scientific activities necessary to meet objectives established by the program. The Scientific and Technical Advisory Committee may also conduct peer reviews of studies, report on the status and trends (description of the past and current conditions of the watershed and estuary, and predictions about the future conditions) in the watershed and estuary, and alert the Management Committee to emerging environmental problems. In addition, the Scientific and Technical Advisory Committee may develop the monitoring strategy, a "State of the Bays Report," and the Technical Characterization study. To ensure scientific rigor and quality, the Scientific and Technical Advisory

Committee may also review the development of requests for proposals for technical studies as well as the actual proposals submitted.

Scientific and Technical Advisory Committee members should represent a balance of scientific disciplines that address the key issues of the watershed. They may be noted local experts, nationally recognized scientists, or resource management agency personnel. Members of the Scientific and Technical Advisory Committee can be selected with advice from the Management Committee; local, state, and federal agencies; regional scientists; and public or private institutions conducting scientific studies within the watershed.

WORKING WITH LOCAL GOVERNMENT

Local Government Committee. Many of the actions in a Management Plan affect local jurisdictions and require the support and commitment of local government agencies. To ensure that local governments are part of the decision-making process, some NEPs form a Local Government Committee. Other programs include local government representatives on their Management and/or Policy Committees. Local government representatives can assist the program by providing practical advice on local planning needs, issues, and existing projects. The Local Government Committee can also provide the political analyses that are needed for effective decision-making and implementation.

LOCAL GOVERNMENT INVOLVEMENT

Barnegat Bay Estuary Program

In the Barnegat Bay Estuary Program, the Management Conference includes a Local Government Committee represented by the Ocean County Mayors' Association. The Committee meets monthly and provides the Barnegat Bay Estuary Program's Director and other program representatives with a forum to interact with 33 municipalities in Ocean County on environmental issues of concern. For additional information, see www.bbep.org.

In many programs, the Policy Committee nominates local government representatives. Members may come from municipalities, counties, or townships representing town boards, sewer districts, conservation districts, or agencies such as health or planning departments.

ENSURING LONG-TERM FINANCIAL, POLITICAL, AND COMMUNITY SUPPORT

Finance Planning Committee. Watershed programs require long-term funding to support both Management Plan implementation and staff operations. Implementation and operations may be supported with federal, state, local, and private sector funds. Whether financing is readily available or new funding mechanisms are needed, a Financial Planning Committee can be used to develop a funding strategy to support Management Plan implementation.

The funding strategy can include accessing revenues such as taxes, fees, and assessments; managing the flow of funds; and recommending institutions to oversee financial planning and management. The Financial Planning Committee may also identify new sources of funding, such as municipal debt or private foundations. It could also recommend a partnership or alliance with an outside agency or nonprofit group to assist with fundraising. Committee members should be knowledgeable about financing public projects and should represent key interest areas or jurisdictions. While some programs choose to establish and maintain a separate Financial Planning Committee, other programs assign those responsibilities to members of the Management Committee.

PROVIDING SUPPORT TO THE GOVERNANCE STRUCTURE

The careful consensus-building required of the committees to define program goals and other activities presents several potential challenges, including conflicting agendas, institutional constraints, and differing work styles. Effective group leaders can help address these challenges. Some NEPs hire professional facilitators to assist in conflict resolution and consensus-based decision-making. Others train committee chairs in group leadership and group dynamics. Still others rely on NEP staff with this expertise. Most NEPs have found that while the decision-making process produces some degree of conflict, there are few, if any, conflicts that cannot be resolved.

STAFFING THE PROGRAM OFFICE

Each NEP has a Program Office that facilitates the work of the committees. The Program Office consists of a director and a small staff—usually three to five professionals.

The NEP director and staff serve many functions. They provide administrative and technical support to the committees, conduct public outreach and education activities, and coordinate and integrate program activities with existing efforts in the watershed. This collaboration promotes sharing of information and allows programs to make efficient use of limited staff resources. The director and staff usually are hired by the Policy or Management Committee; however, the director and staff work in support of, and with direction from, all of the committees.

The NEP directors must have a broad range of knowledge, skills, and abilities. Maintaining local support, securing funds, and facilitating partner actions requires both interpersonal and technical skills. A director adept at collaborating with partners and addressing complex environmental issues provides access to additional resources and authorities, helps avoid duplication, reduces turf battles, and combats the perception of the NEP creating a new layer of government. The NEP director speaks on behalf of the committees and is accountable to them. Because the director can be pivotal in bringing stakeholders to the table, the director should not be perceived as representing a particular entity or stakeholder. This allows the director to work in collaboration with the stakeholders and to better represent the program.

Most NEPs also have a communication or outreach coordinator and a science or technical coordinator. Some NEPs hire staff with fundraising and business management skills. Staff that provide technical input for restoration efforts and other projects implement key goals in the Management Plan and build the credibility of the program. Staff with communication skills produce independent newsletters, Web sites, and events that help achieve the environmental education goals of the Management Plan and heighten the NEP's visibility without jeopardizing productive partnering.

The NEP office typically serves as the focal point of planning and coordination among government agencies with jurisdiction over the watershed. Therefore, office location can impact the overall visibility of the program as well as perceptions about the program. Visibility and awareness of the program are greatly enhanced when the Program Office is located within the study area, rather than in a far away state capital or other non-estuarine location.
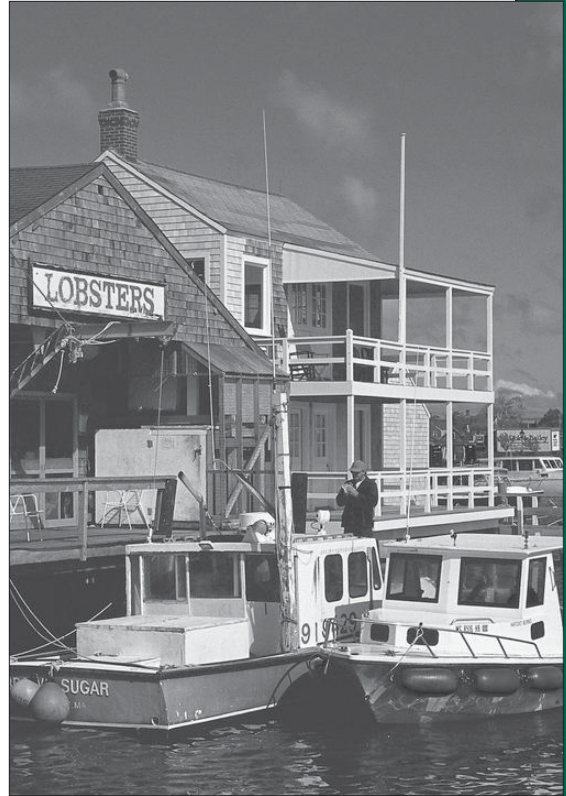
SELECTING AN INSTITUTIONAL SETTING

Each NEP is initially assigned a host organization or sponsor, such as a state or local government agency, university, or nonprofit. The host organization administers the federal grant funds that support the NEP and provides a physical location for the director and staff. However, individual NEPs are envisioned to be inherently autonomous.

The director and staff of an individual NEP must be, and must be perceived to be, independent of any particular interest group or agency. While the NEP sponsor provides an invaluable service to the NEP as an administrative and financial manager, among many other things, NEP directors and staff are directed not by their administrative sponsors but by the NEP committees (which typically include the sponsors as members).

Photo: Steve Delaney

Funding awarded to the sponsor or grantee is intended to be used for purposes and activities developed and approved through consensus by all members of the committees. By requiring approval and oversight by the committees, a safeguard is built into the NEP framework to prevent individual interests from steering an NEP. To this end, many NEPs have developed and adopted operating procedures, agreements, or bylaws which outline roles and responsibilities.

After NEPs complete their Management Plans, many consider establishing separate institutions. The advantages of remaining with the original host include access to the technical resources of the host agency's employees; ability to maximize funds for programs and minimize funds for administration; access to payroll services, benefits for employees, and physical office space; and coordination between the work of the host agency and the work of the program. The advantages of a separate Program Office can include a location more accessible to the public, greater visibility, and increased fundraising opportunities. **Chapter 5** provides examples of NEP governance structures.

PREPARING TO ASSESS THE ESTUARY AND ITS INSTITUTIONS

Once the Program Office has convened and established a structure of committees and procedures for conducting the group's work, steps can be taken in moving toward the next phase of the NEP process—assessing the conditions of the estuary and evaluating the effectiveness of institutions that affect the estuary. This "characterization" process identifies priority problems, their likely causes, and how to coordinate existing programs to better protect and restore the estuary and its watershed.

ESTABLISHING A GOVERNANCE STRUCTURE: EXAMPLES

▶ *Example 1: Initiating the program through a kickoff meeting*

The Charlotte Harbor NEP organized a Public Conference and Technical Symposium as a kickoff event for their estuary program. The two-day gathering focused attention on Charlotte Harbor's large watershed by bringing together much of the knowledge and expertise of Southwest Florida. The event was an important first step in the program's process of bringing together public and private stakeholders to discuss critical environmental issues facing the region. Hundreds of people attended the forum, which featured more than 60 presentations on technical issues, covering Southwest Florida's history, geography, and geology, as well as topics more specific to the water quality and living resources of the Charlotte Harbor region. The Public Conference featured discussions on economic activity, resource management efforts, environmental education, recreational boating concerns, and citizen groups. For additional information, see www.charlotteharbornep.com.

Photo: Steve Delaney

▶ *Example 2: Creation of an advisory committee to assess atmospheric deposition*

The Tampa Bay Estuary Program was one of the first NEPs to assess nitrogen deposition to a coastal ecosystem. Since the Program had no experience assessing atmospheric deposition and no atmospheric scientist on staff, the senior scientist created a national advisory group to help develop the Program. The advisory group now includes nationally recognized experts in wet and dry deposition methodologies for nitrate and ammonia (and more recently mercury), national atmospheric program managers, experts with technical knowledge of modeling, and local stakeholders including several counties and the Tampa Electric Company. Since the Program does

not do most of the monitoring or modeling work itself, the county and university scientists doing the work also sit on the committee. The committee meets periodically to answer specific complex questions that require group discussion and consensus. The committee responds to other questions on an as-needed basis through individual telephone calls, conference calls, or written recommendations. For additional information, see www.tbep.org.

▶ *Example 3: Puget Sound's Finance Committee and Local Government Finance Working Group*

The Puget Sound Finance Committee was responsible for identifying funding mechanisms that could be used to meet the projected shortfalls in Management Plan implementation funding. In order to ensure that a broad range of options would be considered and that these options would get the benefit of close scrutiny, a concerted effort was made to have competing interests and key stakeholders serve on the Committee. As such, the Committee included representatives from state and local governments, members of the business community, members of the state legislature, local elected officials, and tribal and citizen groups. The Puget Sound Water Authority, a partner of the NEP, assigned several of its staff to provide technical and administrative assistance to the Committee. In addition, the program hired an applied financial and economic analysis firm to undertake the technical evaluations needed to generate fiscally sound and defensible funding options.

Photo: Steve Delaney

A six-member Local Government Finance Working Group was established to work independently on local financing issues. Joint staffing of the Finance Committee and Local Government Finance Working Group provided for continuity between the two groups and ensured that the work of the Finance Committee integrated the needs, fiscal constraints, authority limitations, and general concerns of local governments. Through its work, the Financial Planning Committee identified a number of possible state funding sources to support Management Plan actions such as taxes on watercraft, litter, fish and shellfish, pesticides, gasoline, and toilet paper. The group also identified projects that could be funded with local revenue or implemented as EPA demonstration projects. For additional information, see www.psat.wa.gov.