

Implementation of the Regional Open Space Strategy for the Central Puget Sound

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EXECUTIVE SUMMARY

The Regional Open Space Strategy (ROSS) is a collaborative effort to integrate and elevate the many activities underway to conserve and enhance the ecological, economic, recreational, and aesthetic vitality of central Puget Sound. Although open space and land management decisions are primarily made by county and city governments (with input from a variety of nonprofit organizations), ecosystems do not conform to political boundaries. In order to create a sustainable Open Space System, regional actors must work together to create a cohesive strategy which addresses cross jurisdictional social and environmental issues. This study seeks to identify viable structures of collaborative governance to implement the ROSS, incorporating the diverse range of stakeholders, existing conservation efforts, and available funding sources in the Central Puget Sound.

Opening up decision-making processes to a broad set of stakeholders may lead to adaptive and resilient policy solutions, but only under certain conditions. Collaborative governance is more likely to be successful when each participant expects to benefit from working together, and when power imbalances and past history do not deter participants from joining. In addition, collaborative governance structures that emphasize participatory inclusiveness, clear ground rules and process transparency, face-to-face interaction, and clearly defined boundaries have greater chances of success. For environmental collaborative governance, a variety of regulatory, market-based, and management-based outputs of the process should lead to desired outcomes. Policy networks, advocacy coalitions, and government-led collaboration are models for collaborative governance, which vary by level of formal structure, inclusiveness, and authority to implement plans.

Collaborative governance can be a useful tool to improve land use and environmental planning. Several regional efforts such as the Chesapeake Bay Program, Chicago Wilderness, Metro and Intertwine in Oregon, and the Puget Sound Regional Council have all used some form of collaborative governance to carry out their work. These cases provide useful lessons for implementing ROSS. The government-led collaborations (Puget Sound Regional Council, Metro, and the Chesapeake Bay Program) were all established after a period of heightened public concern, whereas the Chicago Wilderness and Intertwine advocacy coalitions are examples of expert groups catalyzing the collaboration. Financing streams also differ between the example cases. As governmental agencies, PSRC, Metro and the Chesapeake Bay Program have access to dedicated pools of federal and state funds, whereas the Chicago Wilderness, and Intertwine use a mixture of government grants, member dues, and donations. Although levels of implementing authority vary, outputs from each case of collaborative governance included regulatory, market-based, and management-based outputs. There is not a clear link between any of these models and conservation outcomes. Each collaboration has made meaningful progress towards their goals, but key indicators such as reversing species or biodiversity decline remain below the target for many. This suggests that ensuring the strategy is appropriate for the context in which it will take place should be the primary consideration when adopting a collaborative governance model.

Implementing ROSS requires an understanding of the existing authorizing environment for land use and open space decisions in the Central Puget Sound. At the federal level, the EPA is responsible for environmental regulation, and already funds efforts to for restoring Puget Sound. At the state level, the Shoreline Management Act (which requires that local authorities create shoreline management programs) and the Growth Management Act (which requires that local governments create city and

county-wide transportation plans, as well as regional plans) are the most important sources of authority to take into account. Nonprofits engaged in conservation and land use efforts in the region, such as Forterra and the Nature Conservancy, may have limited control over land management decisions, but are important sources of technical knowledge, leadership, and public support.

Understanding how federal and state funding is used for land conservation in the region can help ROSS decide which strategies are most financially sustainable. Between 1998 and 2013, around \$35 million in federal funding and \$68 million in Washington state funding was accessed by local government agencies, tribal governments, and nonprofits for purchasing land or for obtaining conservation easements.

Considering four critical elements to a successful collaborative implementation of the ROSS: open space conservation, stakeholder engagement, financial sustainability, and political feasibility we present three possible alternatives for implementing ROSS:

- Establish ROSS as a Non-Profit Advocacy Coalition
- Embedding ROSS within PSRC
- Creating a Puget Sound Open Space Council

As Table 1 shows, these alternative vary by political feasibility (with a non-profit advocacy coalition being the most feasible, and the creation of a Puget Sound Open Space Council the least feasible) and by levels of authority for open space conservation (with a non-profit advocacy coalition having the least authority, and a Puget Sound Open Space Council the most). Regardless of the alternative pursued, clear boundaries for what ROSS hopes to achieve, consistent small victories to build confidence in the collaborative process, and heavy investment in public awareness are recommended next steps for ROSS.

Table 1: Strengths and Weaknesses of Policy Alternatives

	Alternative One: Non-Profit Advocacy Coalition	Alternative Two: Embed ROSS within in PSRC	Alternative Three: Creation of a Puget Sound Open Space Council
Open Space Conservation	Indirect	Indirect/Direct	Direct
Community Engagement	High	Medium	Low
Direct Authority	Low	Medium	High
Financial Sustainability	Medium	Medium	High
Political Feasibility	High	Medium	Low

1 INTRODUCTION

The Regional Open Space Strategy (ROSS) is a collaborative effort to integrate and elevate the many activities underway to conserve and enhance the ecological, economic, recreational, and aesthetic vitality of the Central Puget Sound. The process includes stakeholders from the public, private and nonprofit sectors as well as community members from the four counties and eight watersheds in the region.

Open Space is an embracing term for public and private lands of any size that create the natural and built green infrastructure on which we depend. This includes public parks, local and regional trail systems, wetlands and water bodies, wilderness lands, resource lands for agriculture and timber production, as well as urban green spaces like parkways, rain gardens and green roofs. Open Space provides a wide range of benefits for the residents of the Central Puget Sound, including opportunities for recreation, employment in the fishing, forestry, and farming sectors, flood-risk mitigation, and filtration and storage of water resources.

Although open space and land management decisions are primarily managed by county and city governments (with input from a variety of nonprofit organizations), ecosystems do not conform to political boundaries. The scope of many environmental issues in the Central Puget Sound, such as salmon habitat degradation or climate resilience, cross jurisdictions and are better addressed through a cohesive regional strategy that include a broad set of stakeholders than through independent actions by county and city governments. For these reasons, Smith notes that “open space policy provides an excellent window into collaborative relationships.”¹ The motivation for this paper is to explore and analyze collaborative governance models which may produce better environmental outcomes for the Central Puget Sound and help establish a robust and sustainable open space system.

ROSS was born out of this desire for holistic regional planning that coordinates efforts to elevate regional planning decisions. For the planning and survey stages, the University of Washington’s Green Futures Lab has brought together experts from various professions, interests, and technical areas to identify and prioritize opportunities which will benefit the entire open space system. With this collective vision, ROSS has identified five key, time-sensitive regional challenges that would benefit greatly from a collective planning approach: climate change, biodiversity, social equity, human health, and economic development. ROSS must also ensure that there is adequate organizational capacity to translate the strategy into action.

This study seeks to identify viable structures of collaborative governance to implement the ROSS which incorporates the diverse range of stakeholders, existing conservation efforts, and varied financing opportunities in the Central Puget Sound. We will explore what models for regional governance are viable for implementing multi-benefit open space conservation and enhancement in the Central Puget Sound. Viable models must be scalable, conducive to conservation investment, and support the existing conservation efforts of a diverse group of stakeholders and decision makers.

In the first section, we examine the theoretical basis for collaborative governance, including factors that determine whether stakeholders will participate and what conditions are necessary for achieving

¹ Craig Smith, “Institutional Determinants of Collaboration: An Empirical Study of Open Space Protection,” *Journal of Public Administration Research and Theory* (19), 2.

conservation goals. Next, we look at the strengths and weaknesses of specific models of collaborative efforts with varying levels of formalization and government involvement. In the following section, we present a sample of the empirical evidence of past and present collaborative governance efforts in the United States. In order to determine how this evidence applies to the context of the Central Puget Sound, we provide a policy landscape of conservation efforts and key stakeholders in the region and describe potential opportunities and gaps that exist for enabling action and mobilizing funding to support ROSS goals. We conclude the paper with an application of the theoretical and empirical evidence to conditions in the Central Puget Sound. The conclusion provides a thorough analysis of which governance models are most applicable and viable for advancing the goals and objectives of the Regional Open Space Strategy.

2 A FRAMEWORK FOR COLLABORATIVE GOVERNANCE

Creating a robust open space system requires the participation of a broad set of stakeholders; public agencies, non-profits, civic organizations, scientists, academics and citizens all play an important role in addressing the complex issues involved in coordinating the projects, actions, and resources needed to conserve and enhance open spaces at a regional scale. While regional planning efforts and land-use decisions have traditionally been solely within the purview of governments, collaborative governance models which engage both government and non-government stakeholders have emerged in the past decades as an attractive strategy to leverage the knowledge and resources of entire communities when addressing this kind of complex public problem.² Watershed Initiatives, Regional Councils, and other forms of Public-Private partnerships are all examples of collaborative governance in action.

Collaboration can have many benefits for participants. By working together, groups may be able to avoid lengthy and expensive conflicts over resource use, foster innovative solutions to technical problems, and create more adaptive and resilient policy solutions.³ Collaborating at a regional scale can help find solutions to issues that no one jurisdiction can address on their own such as air or water quality, or providing habitat for wildlife.

For the purposes of implementing the Regional Open Space Strategy, we define collaborative governance as any effort where “one or more organizations directly engage stakeholders in a collective decision-making process to address a common problem or meet a common goal.” This definition is broader than the definition used by some scholars, who only consider efforts initiated by governments or other public agencies, as collaborate governance.⁴ It should also be noted that while we are primarily concerned with how collaborative governance has been used to manage natural resources and to address the environmental issues associated with open space conservation, it has also been employed to improve public health outcomes, increase educational attainment, and create opportunities for economic development.⁵

² Stephen Page, “Integrative Leadership for Collaborative Governance: Civil Engagement in Seattle,” *The Leadership Quarterly* 21 (2010), 246.

³ Mark Lubell, et al, “Watershed Partnerships and the Emergence of Collective Action Institutions,” *American Journal of Political Science* 46, no. 1 (2002), 148.

⁴ Chris Ansell and Alison Gash, “Collaborative Governance in Theory and in Practice,” 543.

⁵ Page, 246.

Working together can be difficult, however and collaboration is not always successful. A considerable literature has developed that examines under what conditions collaborative efforts may emerge, and what factors contribute to its success or failure.⁶ The majority of efforts to analyze collaborative efforts have followed the Institutional Analysis and Development (IAD) Framework developed by Elinor Ostrom and others.⁷ This framework has been applied in many contexts relevant to the ROSS process including the development of watershed partnerships, regulatory negotiation, collaborative planning, and forest and land management.⁸ In recent years, several studies have examined cases across sectors to develop a general theory of collaborative governance.⁹ As shown in Figure 1, this report adapts the model developed by Chris Ansell & Alison Gash who identified critical variables for successful collaboration through a meta-analysis of 137 cases of collaborative governance.¹⁰ The model consists of four main components:

- The starting conditions of the participants, including their expected benefits, the power dynamics between them, and their past history of interaction;
- The organizational structure of the collaborative body, including how inclusive it is, whether there are alternative forums, and how transparent its rules and processes are and how participants interact with each other;
- The presence of facilitative leadership to set the agenda, convene the stakeholders and structure the deliberative process; and
- The internal processes and actions the collaborative body uses to achieve its goals, or outputs of the collaborative process.

⁶ Chris Ansell and Alison Gash, "Collaborative Governance in Theory and in Practice," *Journal of Public Administration Research and Theory* 18 (2007), 543-571; Elinor Ostrom, "Collective Action and the Evolution of Social Norms," *Journal of Natural Resources Policy Research* 6, no. 4 (2014), 235-252; Stephen Page, "Integrative Leadership for Collaborative Governance: Civil Engagement in Seattle," *The Leadership Quarterly* 21 (2010), 246-263.

⁷ Chris Ansell and Alison Gash, "Collaborative Governance in Theory and in Practice," 543-571; Mark Lubell, et al, "Watershed Partnerships and the Emergence of Collective Action Institutions," 148-163; Elinor Ostrom, "Reflections on 'Some Unsettled Problems of Irrigation,'" *The American Economic Review* 101, no. 1 (2011) 49-63.

⁸ Chris Ansell and Alison Gash, "Collaborative Governance in Theory and in Practice," 544.

⁹ Chris Ansell and Alison Gash, "Collaborative Governance in Theory and in Practice," 543-571; Stephen Page, "Integrative Leadership for Collaborative Governance: Civil Engagement in Seattle," *The Leadership Quarterly* 21 (2010), 246-263.

¹⁰ Ansell & Gash, 548.



Figure 1: Model for Analyzing Collaborative Governance, adapted from Ansell & Gash, "Collaborative Governance in Theory and in Practice," (2008).

2.1 STARTING CONDITIONS

The pre-existing characteristics of, and relationships between, individuals and organizations often determine whether or not they will choose to participate in a collaborative effort. Understanding these starting conditions, which include the expected benefits to each participant, the power imbalances between them, and their shared history, will help a group identify what strategies will be most effective at bringing stakeholders to the table, and what potential problems may arise if they are not addressed early in the process. This section will provide a brief discussion of each of these conditions in detail.

2.1.1 Expected benefits

Expected net benefits may be one of the most important factors determining whether or not an organization will decide to dedicate time and resources to a collaborative effort, particularly when the collective goal does not completely align with the goals of the individual participants. Participation depends heavily on how each individual actor perceives the costs and benefits of the collaboration efforts. Actors will weight their individual ability to achieve outcomes without the uncertainty of reliance on other actors.¹¹ The cost of collaborative efforts includes the time and resources an actor must devote to building and maintaining relationships with other collaborators.

Preserving has many environmental, social, and ecological benefits, which are expanded on in the ROSS Comprehensive Preliminary Strategy and elsewhere. However, as Smith points out, the benefits of open spaces are often multidimensional public goods, with benefits accruing to people far beyond the region

¹¹ Elinor Ostrom, "Background on the Institutional Analysis and Development Framework," *The Policy Studies Journal* 39:1 (2011): 13.

and to future generations.¹² Because the expected benefits extend far beyond those immediately involved in the decision making process, free riding is a possibility. Campaigns to raise awareness of the benefits of open space conservation may help increase stakeholders willingness to participate in, and commitment to, the collaborative process.

2.1.2 Power Imbalances

Power imbalances between stakeholders may also present a challenge to collaborative efforts.¹³ Unequal decision making authority, or differences in access to resources or information may also deter groups from participating in a collaborative effort. In cases where some stakeholders have much greater control over the political process, less powerful stakeholders may feel that they are only able to play an advisory role they may be less inclined to participate. Likewise, if some organizations do not have the technical ability or resources to participate in the collaborative effort, stronger groups may be tempted to try and capture the agenda. In the context of open space preservation, local authorities have direct regulatory authority over land use decisions.

2.1.3 Past History

In most settings, stakeholders are aware of one another, and in some cases may have a history of working together or of fighting against one another. Either case may present challenges and opportunities for collaborative governance efforts. Organizations which have cooperated in the past may have developed trust and mutual respect that can make collaboration more appealing.¹⁴ Likewise, stakeholders that are highly interdependent, but have a history of conflict may prefer to work together than undergo costly court battles or policy campaigns. On the other hand, past conflicts can create a vitreous environment and may lead to antagonism between potential collaborators. A history of conflict may lead to a lack of trust, which can result in poor commitment, dishonest communication, and attempts to manipulate the decision making process.¹⁵ Unless steps are taken to establish trust between stakeholders who have had an antagonistic relationship in the past, the collaborative effort is likely to fail.¹⁶ Past successes may also present challenges to establishing a collaborative governance structure. Groups that already have strong connections may not see the incentive to develop a formal governance mechanism.

2.2 AUTHORIZING ENVIRONMENT

In addition to the starting conditions of the participants themselves, both the physical and political context in which collaboration will take place may affect the ability of individuals and organizations to meet collective goals. Ostrom, in her work on collective management of natural resources, referred to this as the “action situation,” referring to the availability of a resource such as timber or fish, the number of users and the regulations in place on harvests and use.¹⁷ In the context of regional governance for Open Space, we can think of the “action situation” as a combination of the physical

¹² Craig R Smith. "Institutional determinants of collaboration: An empirical study of county open-space protection." *Journal of Public Administration Research and Theory* 19, no. 1 (2009): 3.

¹³ Chris Ansell and Alison Gash, “Collaborative Governance in Theory and in Practice,” 543; Elinor Ostrom, “Reflections on ‘Some Unsettled Problems of Irrigation,’” 50.

¹⁴ *Ibid.*, 550.

¹⁵ *Ibid.*, 551.

¹⁶ *Ibid.*, 556.

¹⁷ Elinor Ostrom, “Background on the Institutional Analysis and Development Framework,” 11-12.

environment, which determines the availability of open space resources, and the policy environment, which consists of the political and legal structures which determine their management.

2.2.1 Physical Environment

The literature on collaborative governance usually discusses the bio-physical work in the context of management of natural resources such as fisheries and forests, as well as land use decisions.¹⁸ The natural and built environment, and the demographic and economic pressures placed on them, clearly play a central role in open space conservation. The availability and value of open space in a region are determined by a complex set of social and ecological factors which are beyond the scope of this paper. Because the crux of ROSS's work is focused on the physical environment of the Central Puget Sound, we will focus on the social factors which affect collaborative efforts in this paper, but wanted to underscore the importance of the bio-physical world as part of the authorizing environment.

2.2.2 Policy Environment

The set of laws, elected officials, media, interest groups, and citizens who provide legitimacy and support for a collective goal, such as open space conservation, shape the actions a collaborative body can pursue, and what resources will be available for their efforts.¹⁹

For government-led efforts, collaboration may be the best way to meet regulatory requirements that are imposed from a higher level of authority, as in the case of regional watershed partnerships bringing localities together to meet federally mandated water quality standards, or states working together to protect endangered species habitat across jurisdictions. Public concern over a cross-jurisdictional issue may also put pressure on elected officials to encourage agencies to work together, and make resources available for collaborative efforts. Likewise, advocacy non-profits must seek support from government agencies to enact the policies or programs they see as desirable either through political or legal means, or a combination of both. Non-profits must also maintain positive relationships with donors who are committed to their causes, and may need to maintain public awareness of their issues to maintain adequate levels of support.²⁰

2.3 ORGANIZATIONAL STRUCTURE

While the governance structure of an organization may take many shapes and have varying levels of formal structure (as discussed in section 4), several characteristics are common to the design of successful collaborative efforts.

2.3.1 Participatory Inclusiveness & Forum Exclusiveness

The literature on collaborative governance emphasizes that in order to maintain legitimacy in the community the governance structure must be open and inclusive of all who wish to participate. In order to effectively achieve collective goals the scope of points of view and interests must mirror the complexity of the problem itself. Actively seeking out less well-represented stakeholders is also an

¹⁸ Ibid, 22.

¹⁹ Moore, Mark, "Managing for Value: Organizational Strategy in For-Profit, Nonprofit, and Governmental Organizations, *Nonprofit and Voluntary Sector Quarterly*, vol. 29, no. 1, Supplement 2000, 200.

²⁰ Ibid.

important strategy for maintaining legitimacy and equity in the collaborative effort.²¹ Inclusiveness may also deter potential stakeholder from seeking out alternate venues.

Ensuring that participants are all given equal opportunity to participate, and that the collaborative body is the best option for addressing the issue is critical for maintaining credibility and commitment to the process. Commitment to the process both requires stakeholders to be actively engaged in the deliberative process, but also to not engage in manipulative processes. Stakeholders must take ownership of the process and acknowledge their own responsibility for successes or failures in achieving public goals. Stakeholders who recognize high levels of interdependence may also be more open to reducing conflict and exploring opportunities for mutual gain.²²

2.3.2 Clear Ground Rules & Process Transparency

Clear rules and transparent processes are important for maintaining trust and building collaborative capacity.²³ Stakeholders who are weary of power imbalances, or have a history of mutual antagonism must be assured that the decision making process is fair, equitable and open. Clear and consistent rules of participation may also increase participation and mitigate conflict by establishing normative behaviors within the collaborative process. Page (2010) suggests that when stakeholders outside of the collaborative body see internal processes and fair and transparent, their outputs will enjoy a greater level of political support.²⁴

2.3.3 Face-to-Face Interaction

Face-to-Face Interaction is seen by many scholars as a necessary condition of collaboration. Face-to-Face interaction allows stakeholders to break-down stereotypes and other barriers which may prevent them from identifying opportunities for mutual gain and allows stakeholders to build trust, mutual respect, and shared understanding.²⁵

2.3.4 Clearly Defined Boundaries

Having clearly defined boundaries is an important way to promote shared understanding and mutual trust among stakeholders. Boundaries can be determined along the lines of scope of activities a collaborative governance process might address, classes of stakeholders who may be relevant to the issue, or it may be a long physical lines. Sharing a common definition of both what the problem is, and the vision of how to address it are important for guiding the process and generating common values.²⁶ Having clearly defined geographic boundaries, such as administrative lines or watershed boundaries, can also contribute to a common identity and lead to the identification of opportunities for mutual benefit and common threats.²⁷

²¹ Chris Ansell and Alison Gash, "Collaborative Governance in Theory and in Practice," 556.

²² Ibid., 552-553.

²³ Ibid., 550.

²⁴ Stephen Page, "Integrative Leadership for Collaborative Governance," 250.

²⁵ Ibid., 558.

²⁶ Ibid., 560.

²⁷ Elliot Brinkman, et al, "Common Capacity for Watershed Conservation: A Quantitative Assessment of Indicators and Core Dimensions," *Environment Management* 50 (2012), 736.

2.4 FACILITATIVE LEADERSHIP

Leadership is one of the most important aspects of collaborative governance.²⁸ Leaders play several important roles in maintaining the institutional integrity of the collaborative process including setting the agenda, convening the stakeholders, and structuring deliberation. Each of these roles is discussed in detail below.

2.4.1 Agenda Setting

Leaders can play an important role in setting the agenda by framing the issues in a manner that is salient to stakeholders and consistent with the collective goals of the collaborative process.²⁹ Framing is critical at early stages of the process when the purpose, structures, norms and values of the collaborative effort are being established.³⁰ Framing can also be used to avoid certain issues which may be highly contentious between stakeholders with conflicting individual goals, and emphasize areas of mutual agreement and benefit. In a study of collaborative processes in Seattle, Page (2010) found that framing changes across time as a result of shifts of the discussion from broad vision to more concrete plans, increased clarity of the agenda, and familiarity with the process.³¹ He also found that sharp changes in leadership tactics were able to reduce the influence of alternative frames on stakeholders.³²

2.4.2 Convening Stakeholders

Bringing Stakeholders together is another important function of leaders, especially in cases where there are barriers to participation or challenges (see section above) to the institutional integrity of a collaborative process such as the presence of an alternate venue (see below). Leaders may employ a number of techniques to bring stakeholders to the table such as consultation, persuasion and negotiation.³³

2.4.3 Structuring Deliberation

Deliberation and negotiation to identify collective goals is a central part of the collaborative process. Leaders can play an important role in both facilitating the deliberative process and ensuring that collective decisions are adhered to. Enforcing ground rules and maintaining a consensus orientation can also help reduce stakeholder's perceived risks and encourage honest participation in the deliberative process.³⁴ Page also notes that engaging stakeholder's interests rather than their positions through reason and logic may also facilitate alignment of stakeholder's views about what is possible and how to jointly achieve it.³⁵

²⁸ Chris Ansell and Alison Gash, "Collaborative Governance in Theory and in Practice," 550; Stephen Page, "Integrative Leadership for Collaborative Governance," 247.

²⁹ Stephen Page, "Integrative Leadership for Collaborative Governance," 247.

³⁰ Ibid., 248.

³¹ Ibid., 260.

³² Ibid.

³³ Ibid.

³⁴ Chris Ansell and Alison Gash, "Collaborative Governance in Theory and in Practice," 554.

³⁵ Stephen Page, "Integrative Leadership for Collaborative Governance," 247.

2.5 OUTPUTS OF COLLABORATIVE PROCESSES

We define outputs as the direct results of a collaborative process or program. Outputs are distinguished from outcomes, which are impacts that result from outputs.³⁶ For open space conservation, outputs from a collaborative process might include recommendations, legislation, or programs, while a desired outcome is improved human and ecosystem health relative to the status quo.

In this section, we present a typology of environmental governance outputs that may apply to open space conservation. Designing a collaborative process that leads to better outcomes requires understanding the benefits and drawbacks of different types of environmental governance outputs. Existing programs and policies for open space in Central Puget Sound already have a wide variety of regulatory, market-based, and management-based outputs (as outlined in the “Policy Landscape” section of this paper). Outputs from a collaborative process may integrate and organize these existing outputs, or create new outputs.

Although there is substantial overlap, some types of collaborative processes (as outlined above) are more likely to lead to certain outputs than others, as we will explore in the case studies section. The level of government involvement in the collaborative process also determines how enforceable the output is. A government agency may have jurisdiction to enforce or create new regulations, whereas a group of nonprofits can only recommend or advocate for regulations.

2.5.1 Regulatory Outputs

Regulation is a tool comprised of four parts: rules for permissible and impermissible activities, standards for compliance with the rules, sanctions for breaking the rules, and an enforcement mechanism.³⁷ Depending on the actors involved, regulatory outputs of collaborative processes might include legislation for new regulation, enforcement of regulations according to existing regulation, or a decision to advocate for regulation.

2.5.1.1 *Justification for command-and-control environmental regulation*

Environmental regulation based on rules, enforcement, and punishment by government agencies is called “command-and-control” regulation. Environmental command-and-control regulation (and social regulation more generally) is justified as a correction of failures in legal and market systems.³⁸ It is not feasible for individuals to regularly have to prove that a company has either caused harm, or shown negligence in the use of natural resources through litigation, so in such cases coercive regulation of firms is justified.

2.5.1.2 *Drawbacks and benefits of command-and-control environmental regulation*

Regulatory outputs have been a central feature of environmental governance in the United States for decades.³⁹ However, regulatory outputs have several drawbacks:

³⁶ Theodore Poister, “Identifying Real Outcomes and Other Performance Measures,” in *Measuring Performance in Public and Nonprofit Organizations* (Jossey-Bass, 2003), 36.

³⁷ Peter May, “Social Regulation,” in *The Tools of Government*, (Oxford, 2002), 158.

³⁸ *Ibid.*, 171.

³⁹ Molly Walker Wilson, “A Behavioral Critique of Command-and-Control Environmental Regulation,” *Fordham Environmental Law Review* 16, no. 233 (2005), 233.

- **Coercion:** Under command-and-control regulation, behaviors of individuals and firms are restricted, rather than simply encouraged or discouraged.⁴⁰ Enforcing rules that individuals and firms do not want to follow likely requires a large allocation of government resources to administration and monitoring.⁴¹
- **Inflexibility and inefficiency:** Regulated firms or groups are placed into an “either/or” category of being in compliance with regulation, or out of compliance. Not only does this inflexibility fail to provide incentives for going beyond compliance, it eliminates alternative possibilities for reductions in pollution or use of natural resources that regulated firms or groups may have been able to implement.⁴² Firms or regulated groups may be able to reach the same desired outcomes through less costly methods than prescribed by regulations.

However, command-and-control regulation has the distinctive advantage of predictability.⁴³ As long as regulations are properly enforced, the environmental outcomes of these policies (in terms of acres conserved, reduced rates of emissions of specific pollutants, or others) are easier to predict when rules are strict and inflexible compared to when behaviors are encouraged or discouraged through economic instruments.

2.5.2 Market-based Outputs

Market-based outputs include environmental taxes, tradable permit systems, and subsidies.⁴⁴

Depending on the actors involved, market-based outputs of collaborative environmental governance processes can include enforcement of existing legislation, advocacy for new legislation, or the creation of market-based incentives outside of government systems.

2.5.2.1 Justification for Market-based Outputs

Polluter Pays Principle (PPP)

The polluter pays principle (PPP) is a common justification for market-based environmental governance outputs. Requiring polluters to pay for conservation or cleanup (usually in extra taxes) corrects a market failure hiding the true value of scarce resources.⁴⁵ PPP assumes that people have a right to unpolluted nature, and that polluters must compensate for the violation of that right.⁴⁶

Payment for Ecosystem Services (PES)

Payment for Ecosystem Services (PES) is a justification for market-based environmental governance that does not rely on an assumption of rights to unpolluted nature. Ecosystems provide services to people, including water filtration, carbon sequestration, and flood risk mitigation.⁴⁷ There is usually not a direct

⁴⁰ Peter May, “Social Regulation,” 173.

⁴¹ Neil Gunningham and Darren Sinclair, “Designing Smart Regulation,” in *Smart Regulation: Designing Environmental Policy* (Oxford, 1998), 2.

⁴² *Ibid.*, 3.

⁴³ *Ibid.*, 3.

⁴⁴ Robert Stavins, “Market-based Environmental Policies,” in *Public Policies for Environmental Protection*, (Routledge, 2000), 31.

⁴⁵ Jean-Philippe Barde, “Economic Instruments in Environmental Policy: Lessons from the OECD Experience and Their Relevance to Developing Economies,” (OECD, 1994), 5.

⁴⁶ Arild Vatn, “Markets in Environmental Governance: From Theory to Practice,” *Ecological Economics* (2014), 2.

⁴⁷ Gert Van Hecken and Johan Bastiaensen, “Payments for Ecosystem Services: Justified or not? A Political View,” *Environmental Science & Policy* 13 (2010), 786.

market for these services, making them undervalued and underprovided. In order to correct this market failure, it is justifiable to ask the beneficiaries of these services to pay for their protection or restoration. Payments are sometimes made through taxation, and may require the creation of special financial districts organized at an ecosystem or watershed level, which may or may not correspond with existing political boundaries.⁴⁸

2.5.2.2 *Drawbacks and benefits of market-based environmental governance outputs*

The drawbacks and benefits of market-based environmental governance outputs mirror those of regulatory outputs. Market-based outputs are praised for not being as coercive as regulatory outputs, which means that less resources are required for administration and monitoring.⁴⁹ However, the results of a market-based output are more difficult to predict than the results of a regulation, since it is not possible to predict the extent that firms or groups will respond to the incentives.

2.5.3 Management-based Outputs

Instead of treating what goes on inside a firm as a “black box,” management-based strategies for environmental governance focus directly on the internal policies of firms.⁵⁰ Depending on the actors involved, a management-based output from a collaborative environmental governance process could be a plan a firm agrees to implement internally, regulations requiring firms to have internal policies on specific environmental issues, or advocacy for firms to implement internal environmental policies.

2.5.3.1 *Justification for Management-based Outputs*

Attempts to use management-based outputs are sometimes justified based on the failure of other types of environmental governance have failed to produce desired environmental outcomes.⁵¹

A specific type of management-based output, a voluntary environmental program (VEP) is usually justified using club theory.⁵² Firms joining an environmental “club” (such as a certification through an external agency, like the Forest Stewardship Council), produce positive environmental externalities or reduce negative ones, and may gain additional consumers through the strength of the brand’s reputation.⁵³ In order to join the club, firms must develop internal management strategies in line with the club’s requirements.

The process of social learning is also an important management-based output; identification of opportunities of mutual benefit and deliberation increases the civic capacity of a set of stakeholders,

⁴⁸ Susan Lurie, et al, “PES Marketplace Development at the Local Scale: The Eugene Water and Electric Board as a Local Watershed Services Marketplace Driver,” *Ecosystem Services* 6 (2013), 94.

⁴⁹ Neil Gunningham and Darren Sinclair, “Designing Smart Regulation,” in *Smart Regulation: Designing Environmental Policy* (Oxford, 1998), 2.

⁵⁰ Cary Coglianesse and Jennifer Nash, “Management-Based Strategies: An Emerging Approach to Environmental Protection” in *Leveraging the Private Sector: Management-Based Strategies for Improving Environmental Performance*, (Resources for the Future: 2006), 3.

⁵¹ *Ibid.*, 5.

⁵² Aseem Prakash and Matthew Potoski, “Collective Action through Voluntary Environmental Programs: A Club Theory Perspective,” *The Policy Studies Journal* 35, no. 4, (2007), 775.

⁵³ *Ibid.*, 776.

creating a positive feedback loop.⁵⁴ Achieving small victories can set the stage for future collaboration, reducing conflict and increasing trust and commitment.⁵⁵

2.5.3.2 Drawbacks and benefits of management-based outputs

Management-based outputs are usually even less coercive than market-based outputs.⁵⁶ From a government perspective, management-based outputs are extremely cost-effective, since monitoring and certification is often from a third party. Market-based outputs also have the advantage of providing incentives to exceed minimum regulatory compliance.⁵⁷ However, since management-based plans are usually voluntary, the number of firms adopting the plans may be insufficient reaching desired environmental outcomes.

3 MODELS OF COLLABORATIVE GOVERNANCE

In practice, collaborative governance takes many shapes and has been called by many names. In some cases, collaborative efforts take place with little formal structure in place, whereas in other efforts the process is embodied in a dedicated legal or organizational structure. There is no one path for collaborative governance, but the starting conditions play a major role in shaping the path. A major factor in collaborative governance is the difference between top down efforts, such as a government-led initiative, and a bottom up collaboration formed as a grassroots effort. Below we have detailed the most relevant types of collaboration that represent the various ways in which collaboration is possible.

3.1 POLICY NETWORKS

Groups of individuals or organizations working towards common objectives may often share common social networks. These groups may work together on an ad-hoc or short term basis to address crises, or find common solutions to address emerging issues.

Although policy networks often operate without any formal structure, long term goals or evaluation framework they are crucial for achieving social and environmental goals. In a study of Orchard Growers in California's Sacramento River Watershed, Lubell and Fulton found that exposure to contacts in policy networks made up of producers, government agencies and other organizations increased the likelihood of adopting environmental practices.⁵⁸

Also, policy networks often evolve into more formal collaborative bodies. Both Chicago Wilderness (discussed in the proceeding section) and the Bay Area Open Space Council⁵⁹ started as loose networks

⁵⁴ Ibid., 247.

⁵⁵ Chris Ansell and Alison Gash, "Collaborative Governance in Theory and in Practice," 560.

⁵⁶ Neil Gunningham and Darren Sinclair, "Designing Smart Regulation," in *Smart Regulation: Designing Environmental Policy* (Oxford, 1998), 11.

⁵⁷ Aseem Prakash and Matthew Potoski, "Collective Action through Voluntary Environmental Programs: A Club Theory Perspective," *The Policy Studies Journal* 35, no. 4, (2007), 778.

⁵⁸ Mark Lubell and Allan Fulton, "Local Policy Networks and Agricultural Watershed Management," *Journal of Public Administration Research and Theory*, (2008), 685.

⁵⁹ "Mission & History," Bay Area Open Space Council, accessed May 17, 2015. <http://openspacecouncil.org/about/>

of conservation professionals and grew into more formal institutions with members, staff, and established programs.

3.2 ADVOCACY COALITIONS

To address longer term problems, or to meet challenges that require the coordinated effort of many actors, a more formal partnership may be needed. Advocacy coalitions have been defined in many different ways with varying degrees of formal institutionalization and expected lifespan. Multi-stakeholder initiatives or partnerships often exist as ongoing efforts in which stakeholders convene to share information, and resources, and set common goals without a single organization taking the lead.

Coalitions are active in almost every sector and range from local associations to international organizations. Watershed Partnerships and Greenspace Alliances are two common examples of advocacy coalitions dedicated to conservation issues.

All advocacy coalitions depend on facilitative leadership to convene stakeholders and guide the group through the collaborative process. Leaders may be individuals or organizations who are particularly passionate or have high interests in an issue and can dedicate time and resources into mobilizing support for the effort. They may also be objective facilitators, brought in from the outside to identify and negotiate mutually acceptable solutions to issues where stakeholders may have opposing interests or points of view. Turner et al. identify six activities which leaders commonly pursue throughout the lifecycle of an initiative: guiding vision and strategy, supporting aligned activities, establishing shared measurement practices, building public will, advancing policy, mobilizing funding.⁶⁰

Another model of advocacy coalition, known as a Collective Impact Initiative, has been employed in several open space conservation efforts, as well as in education and public health. This model has gained attention of many funders with major donors such as the Bill and Melinda Gates Foundation, The Global Fund, the Moore Foundation and others funding collective impact initiatives in recent years.

Kania and Kramer define elements which define collective impact initiatives⁶¹:

- **Common agenda:** all participants have a shared vision for change that includes a common understanding of the problem and a joint approach to solving it through agreed upon action.
- **Shared measurement system:** All organizations agree upon a set of indicators at the community level and participate in a shared monitoring and reporting program.
- **Mutually reinforcing activities:** Each participant undertakes a specific set of activities that match their comparative advantage in concert with others.
- **Continuous Communication:** long term exposure to each other builds trust, a common vocabulary, and common agenda.
- **Backbone Organization:** This model insists that there is a dedicated organization tasked with coordinating the collective impact initiative. This minimizes conflicts around resource dedication and ensures that the effort receives adequate support and attention.

⁶⁰ Turner, Shiloh, Kathy Merchant, John Kania, and Ellen Martin. "Understanding the value of backbone organizations in collective impact: Part 2." *Stanford Social Innovation Review* (2012): 1.

⁶¹ Kania, John, and Mark Kramer. "Collective impact." *Stanford Social Innovation Review* 9, no. 1 (2011): 39-40.

Formation of an independent backbone organization is the crucial distinction between Collective Impact models and other forms of Multi-stakeholder Initiatives. One example of a backbone organizations supporting a collective impact initiatives is the Intertwine, a Portland-based non-profit discussed further in section 4. Backbone organizations are responsible for facilitating collaboration, and also for holding members accountable by maintaining a shared monitoring and evaluation system. A related idea, which is commonly practiced in ecosystem or natural resource management contexts is adaptive management. Adaptive management is a systematic approach to decision making which integrates experimental science, systems theory, and ecology to monitor progress and adjust strategies as needed.⁶² Adaptive management frameworks are used by government agencies such as the Department of Interior and Environmental Protection Agency, as well as by large collaborative bodies such as the Chesapeake Bay Program and the Puget Sound Partnership.

3.3 GOVERNMENT-LED COLLABORATION

When addressing environmental issues, government agencies traditionally act as managers or regulatory enforcers. However, in recent decades government agencies began playing a wider variety of roles in environmental governance, including initiating collaboration with stakeholders, and delegating power to outside groups⁶³. Government-led collaborations tend to have greater access to resources than non-governmental efforts.⁶⁴

This access to resources has the ability to elevate environmental management possibilities and goes beyond access to funds. A possible advantage of government-led collaborative governance is that the decisions made by the group are more likely to be legally-binding than if government is minimally involved, however this power imbalance may discourage some organizations from participating if they feel that their views and interests are not being fully incorporated. Large-scale government collaborative efforts may be authorized to make decisions on behalf of members, but most often operate as partnerships focused on establishing common goals and sharing information.

Often, Government-led collaborations are often mandated to address an issue of public concern, as in the case of the Puget Sound Regional Council, or Metro, but may also be used as a tool to leverage resources from businesses or organizations. With public concern as a common impetus, governmental agencies are often focused on fixing the publicly identified problem, and showing results. Many times, governmental agencies must comply with legislative mandates. This may lead to a narrow focus and a greater level of rigidity than a non-profit or community-led collaboration will encounter.⁶⁵

Similar to advocacy coalitions, the potential for government agencies to achieve open space preservation goals depends largely on the extent to which government agencies interact with other stakeholders. In a government-led collaboration, the governmental agency is responsible for framing the goals of the collaboration, identifying organizational processes, and articulating performance

⁶² Byron Williams and Eleanor Brown, "Adaptive Management: The U.S. Department of the Interior Applications Guide." (2012).

⁶³ Tanya Heikkila and Andrea K. Gerlak, "The Formation of Large-scale Collaborative Resource Management Institutions: Clarifying the Roles of Stakeholders, Science, and Institutions." *Policy Studies Journal* 33, no. 4 (2005).

⁶⁴ Tomas M. Koontz ed., *Collaborative environmental management: What roles for government?*. Resources for the Future, 2004, 177.

⁶⁵ *Ibid*, 177.

measurement tools.⁶⁶ The success of a government-led collaboration will depend largely on the responsibilities highlighted above; government-led collaborations that do not have clearly identified goals, processes, and stakeholder roles will severely impact achievement of goals. Additionally, uniform measurements will provide the collaboration with a common language to evaluate the process. Although authority may reside heavily with the government agency, government can lessen the power imbalance through an equitable distribution of decision making authority to stakeholders⁶⁷. An equitable distribution of power and influence the difference between a contractual agreement, in which government contracts an agent to achieve preservation goals, and a collaboration, in which stakeholders are able to work synergistically to implement programs and achieve desired outcomes.

4 EXAMPLES OF COLLABORATIVE REGIONAL GOVERNANCE EFFORTS

In order to provide

4.1 CHESAPEAKE BAY PROGRAM

4.1.1 History

The Chesapeake Bay Program (CBP) is a regional partnership that works to protect and restore the water quality, fish, plants, and other aquatic resources of the Chesapeake Bay Watershed. Of all of our cases, CPB is the broadest in scope incorporating over 90 partners including state governments, federal agencies, academic institutions, and nonprofit organizations.

The Chesapeake Bay, is the largest estuary in North America, nearly 4 times the size of the Puget Sound. It is nearly 200 miles long, stretching from the mouth of the Susquehanna River near the Maryland/Pennsylvania border, to its outlet at Virginia Beach. More than 17 million people live in the bay's watershed, which covers 64,000 acres in Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia and all of the District of Columbia. The bay supports more than 3600 species of plants and animals included endangered

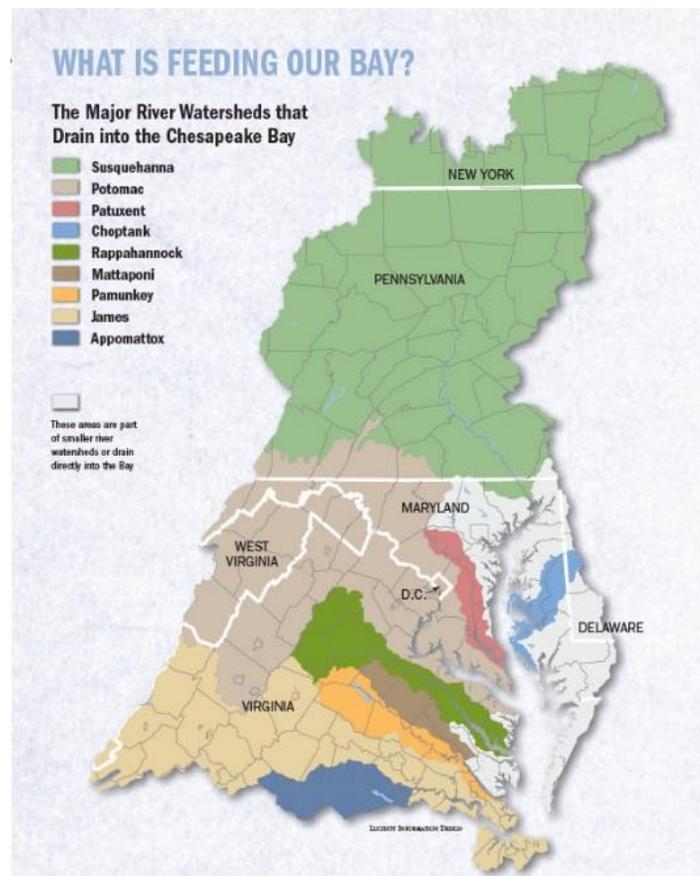


Figure 2: Chesapeake Bay Program's Service Area.
(Source: <http://www.chesapeakebay.net>)

⁶⁶ Ibid, 184.

⁶⁷ Ibid, 184.

species such as the Striped Bass and American Shad⁶⁸. 9 major river systems, and dozens of smaller tributaries.

The Bay supports important commercial fisheries, and is a major area for shipping commerce and recreation.⁶⁹ Runoff from cities, industry and agriculture in the watershed led to declining health of the bay in the 1960's and 70s, and sharp declines in oyster, blue crab, and striped bass populations. Land use changes and the loss of thousands of acres of wetlands exacerbated these problems.⁷⁰

Despite being such an important hub of activity, the health of the Chesapeake Bay as a system was poorly understood until the mid-1970s. A seven-volume ACE study published between 1965 and 1973, and a subsequent EPA report confirmed that the health of the bay had been compromised due to heavy loads of nutrients, sediments, and toxins.⁷¹ These studies did not identify specific solutions, but illustrated the web of sources contributing to the ecosystems decline. The publication of these reports coincided with dramatic declines in key commercial fish stocks such as striped bass and Atlantic croaker bringing the interests of a diverse group of stakeholders including resource managers, recreation groups, fishermen, as well as an array of federal, state and local decision makers into harmony.⁷²

Several efforts to improve the health of the Bay had preceded the CPB. The Chesapeake Bay Foundation was formed in 1966 by a group of hunters, fisherman, and sailors. The foundation carried out a "Save the Bay" Campaign designed to raise awareness and garner political support for conservation efforts. In 1978 the governors of Maryland and Virginia created a Chesapeake Bay Legislative Advisory Commission, the precursor to the Chesapeake Bay Commission, to better coordinate management of the bay. During this same period, Congress directed the EPA to investigate approaches for managing the bay.⁷³ The results of the EPA investigation, as well as leadership from the Governors of Maryland, Virginia, and PA as well as Senators Bernie Fowler and Charles Mathias, resulted in the creation of the Chesapeake Bay Program.⁷⁴ The high commercial and political benefits of bay restoration, history of coordination on the issue, and lack of an alternate venue to address the problems contributing to the bay's declining health all played an important role in the formation of CPB.

4.1.2 Organizational Structure

The CPB does not have any formal federal or state legislative authorization, and despite its broad geographic scope, operates similarly to other multi-stakeholder initiative, and operates primarily through voluntary programs.

The primary decision making body of CPB is its Executive Council, which was established under the 1983 Chesapeake Bay Agreement. The council is currently comprised of the governors of Delaware, Maryland,

⁶⁸ Chesapeake Bay Program, Chesapeake Bay Program "Bay Barometer: Health and Restoration in the Chesapeake Bay Watershed (2013-2014)."

⁶⁹ Tanya Heikkila and Andrea Gerlak, "The Formation of Large-Scale Collaborative Resource Management Institutions," 592.

⁷⁰ Ibid., 593.

⁷¹ Ibid., 595.

⁷² Ibid., 593.

⁷³ Ibid., 601.

⁷⁴ Ibid.

Pennsylvania, New York, Virginia and West Virginia, the mayor of D.C, the EPA Administrator and the Chair of the Chesapeake Bay Commission.

The Executive Council meets annually to establish policy direction for the partnership and sign directives, agreements, and amendments for Bay restoration efforts. A Principal Staff Committee, made up of resource managers, planners and technical experts from federal and state agencies meets as needed and facilitates communication between the Executive Council and the Citizens, Local Government, and Scientific & Technical Advisory Committees which represent their respective stakeholder groups. The principal Staff Committee also coordinates with the Management board, which provides guidance for strategic planning, priority setting, and implementation.

Goal Implementation teams, representing the 6 overarching goals of CPB, coordinate activities, resources and personnel on the ground. In addition, a Science, Technical Assessment, and Reporting Team and a Communications Working Group provide overarching support to the Goal Implementation Teams. An Independent Evaluator is commissioned by CBP to provide accountability and transparency to the process, and to assist in monitoring of CPB’s progress towards their goals.⁷⁵

The Chesapeake Bay Program seeks institutional integrity in several ways. Insuring that stakeholders are represented in an inclusive manner, maintaining transparency through monitoring and evaluation, and legitimacy in their decision making process.

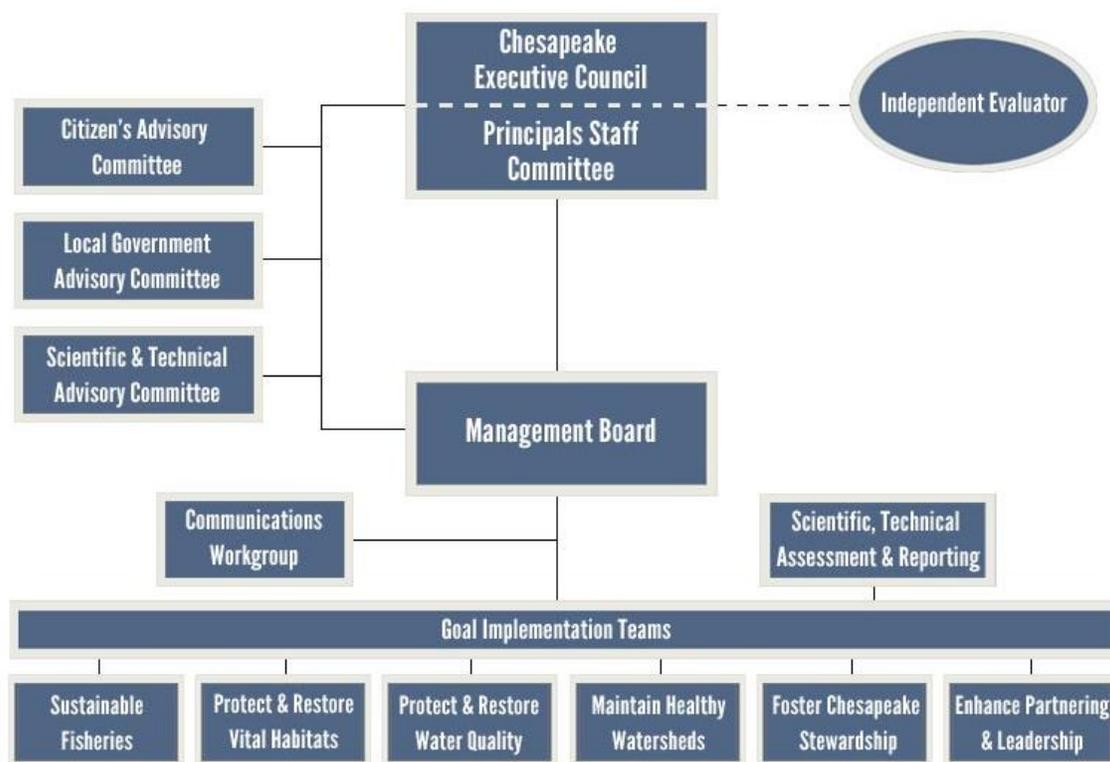


Figure 3: Chesapeake Bay Program Organizational Chart.
 (Source Chesapeake Bay Program, "Who we are.")

⁷⁵ "Who we are" Chesapeake Bay Program, Accessed April 9, 2015, <http://www.chesapeakebay.net/about/who>

Despite the fact that authority is centralized at a very high level, the actual work done by CBP is carried out through a network of state, local, and watershed level agencies and organizations. Over 90 partners are listed on CPBs website, and even more are represented through the advisory committees. Collaboration has been an integral part of the process, and was emphasized in the original Chesapeake Bay Agreement.

CPB works to maintain transparency and accountability in both process and progress through rigorous monitoring and evaluation programs. A dedicated Science, Technical Assessment, and Reporting Team assists with the collection of data, and every two years, a report detailing the progress on goals. The first numeric targets and deadlines were established under the 1987 Chesapeake Bay Agreement. The first independent evaluation of CBPs progress was commissioned in 2010 after the Government Accountability Office found that CPB had not met its goal of establishing an independent and objective reporting process. Executive Order 13508, made by President Obama in 2009 expanded the authority of and resources available to the EPA to conduct monitoring and fund evaluations.

Another recent result of efforts to be more transparent was the development of an adaptive management decision framework. The framework is designed to increase CPBs ability to incorporate data and respond to changing conditions. An online database to support this framework and disseminate findings is under development.

4.1.3 Funding/Financing

A large part of CPBs administrative and program expenses are earmarked through federal and state dollars. Congressional appropriations for the EPAs Chesapeake Bay Program Office, which coordinates the agencies involvement in CBP have ranged from about \$20 million annually in the 1990's to around \$50 million in recent years as authorized by the Clean Water Act. About 60 percent of this funding is made available to states, local governments, NGO's and academic institutions through various grant programs. An additional \$491 million was earmarked by President Obama's Executive Order to implement restoration and evaluation activities.

Additional funding is mobilized by CBPs non-profit partners. Notably, the National Fish and Wildlife Foundation's Chesapeake Bay Stewardship Fund awarded \$9.8 million to environmental projects in the period between 2011 and 2013.⁷⁶

4.1.4 Outputs

The primary output of the Chesapeake Bay Program has been the Chesapeake Bay Watershed Agreement. The first agreement was signed in 1983, and was a simple mostly non-binding agreement that involved four jurisdictions and the Chesapeake Bay Commission. Subsequent agreements in 1987 and 2000 expanded goals, activities and partners included in the program. A new agreement was signed in 2014 which included all seven jurisdictions in the watershed making them full partners in the program and the Chesapeake Executive Council.⁷⁷

⁷⁶ "Funding and Financing," Chesapeake Bay Program. Accessed April 9, 2015, <http://www.chesapeakebay.net/about/how/funding>

⁷⁷ (CPB, 2014).

4.1.5 Outcomes

While CPB has seen many improvements in many indicators of the Bay's health, many targets remain unmet. In the 2015 edition of the "Bay Barometer" CPB's biannual report on Health and Restoration in the Chesapeake Bay Watershed, CPB reports that in total nearly 8.4 million acres of lands have been permanently protected from development, 6098 acres of wetlands have been established or rehabilitated, and over 1200 sites for the public to access waterways and open space have been established. The bay has seen long-term improvements in nutrient and sediment concentrations, but in the short term these indicators have remained static and only 29 percent of water quality standards have been met. While Striped Bass populations have shown some improvements, populations of aquatic grasses, blue crab, American Shad, and oysters remain well below targets.⁷⁸

4.2 CHICAGO WILDERNESS

4.2.1 History

Chicago Wilderness is a loosely-structured collaborative conservation alliance, which now includes over 300 separate non-profit, government, and corporate organizations. Chicago Wilderness has its origins in a 1993 meeting of Illinois Biodiversity Leaders, which included representatives from the state of Illinois and county governments in the area, and non-profits including the Nature Conservancy and the Openlands Project, with the intention of better coordinating biodiversity work in the region.⁷⁹ At the time, restoration ecology was gaining momentum as a scientific field, and Cook County in Illinois had received a grant from the U.S. Forest Service for \$1.8 million for forest restoration. Seeking to build on this momentum, the group of biodiversity leaders met again in late 1994 with more representation from federal agencies, including the U.S. Fish and Wildlife Service and the USDA Forest Service.⁸⁰ The leaders chose to form a "loose network of organizations", housed under the name "Chicago Wilderness."⁸¹ In 1994, 34 organizations were a part of Chicago Wilderness, growing to 98 by 1999.⁸² By 1999, the groups had developed a Biodiversity Recovery Plan, which outlined recommendations for land management, land protection, stream protection, research and monitoring, education and communication, and local and regional development policies.⁸³

Chicago Wilderness is recognized as an innovator in environmental planning. Although collaborative environmental planning certainly occurred before Chicago Wilderness created the Biodiversity Recovery Plan, the breadth of the plan and the number of participating organizations was unprecedented.⁸⁴ Even though the individual organizations involved focused on different aspects of conservation, the early

⁷⁸ (CBP, 2015)

⁷⁹ Laurel M. Ross. "The Chicago Wilderness: A Coalition for Urban Conservation." *Restoration and Management Notes* 15, no. 1 (1997): 19.

⁸⁰Ibid., 21.

⁸¹Ibid., 22.

⁸² Rebecca Retzlaff. "Planning for Broad-Based Environmental Protection: A Look Back at the Chicago Wilderness Biodiversity Recovery Plan." *Urban Ecosystems* 11 (2008): 46.

⁸³ Debra Moskovitz, et al. "Chicago Wilderness: A New Force in Urban Conservation." *Annals New York Academy of Sciences* 1023 (2004):

⁸⁴ Retzlaff, 46.

correspond to political boundaries. Coordinated efforts are required, for example, to create greenways and wildlife corridors across state and county lines.⁹²

Chicago Wilderness is not a traditional nonprofit organization. Although a separate structure, the Chicago Wilderness Trust, is registered as a 501(c)3 for managing funding from grants and donors, Chicago Wilderness itself is not technically a nonprofit.⁹³ The small number of Chicago Wilderness staff are “hosted” at various member organizations.⁹⁴ An executive council within Chicago Wilderness is responsible for overall strategy development and goal setting, composed of representatives of around 50 of the more than 300 Chicago Wilderness organizations form the Chicago Wilderness Executive Council.⁹⁵

All executive council members, including nonprofit groups, collectively set goals and priorities for Chicago Wilderness. Federal agencies (including US Fish and Wildlife Service and US EPA Region 5) and state agencies (including Illinois Department of Natural Resources and Indiana Department of Natural Resources) are members of Chicago Wilderness and serve on the executive council.⁹⁶ However, federal and state agencies do not have oversight over Chicago Wilderness beyond their contributions to the executive council.

4.2.3 Funding

Less than half of the revenue for Chicago Wilderness is sourced from government grants (39% in 2012-13 and 43% in 2013-14.)^{97 98} The US Fish and Wildlife Service and the USDA Forest Service are listed as funders of Chicago Wilderness, but it is not clear which grants Chicago Wilderness is receiving from these agencies. Corporate council members, foundations, and other corporate and individual donors provide the rest of the revenue.⁹⁹ As reported in 990 forms, Chicago Wilderness operates with around \$1 million in total annual revenue.

4.2.4 Outputs

Chicago Wilderness’s three main outputs for land conservation are land acquisition, the purchase of conservation easements, and recommendations for “conservation development.”¹⁰⁰ Although Chicago Wilderness serves a coordinating role, these outputs are usually directly produced by Chicago Wilderness members.

⁹² Moscovitz, 217

⁹³ “Financial and Annual Reports,” Chicago Wilderness, accessed April 16, 2015, <http://www.chicagowilderness.org/who-we-are/financial-and-annual-reports/>

⁹⁴ Retzlaff, 46

⁹⁵ “Alliance Leadership,” Chicago Wilderness, accessed April 16, 2015, <http://www.chicagowilderness.org/who-we-are/alliance-leadership/>

⁹⁶ “Alliance Leadership,” Chicago Wilderness, accessed May 22, 2015, <http://www.chicagowilderness.org/who-we-are/alliance-leadership/>

⁹⁷ Internal Revenue Service. *Form 990: The Chicago Wilderness Trust*. 2012, available at http://www.chicagowilderness.org/files/4513/7962/1466/CWT_FY13_IRS990_Public_Disclosure_Copy.pdf

⁹⁸ Internal Revenue Service. *Form 990: The Chicago Wilderness Trust*. 2013, available at http://www.chicagowilderness.org/files/2314/1096/5230/Form_990_-_May_1_2013_-_April_30_2014.pdf

⁹⁹ Chicago Wilderness, Chicago Wilderness Annual Report 2014, p. 8.

¹⁰⁰ Dennis Dreher. “Chicago Wilderness Green Infrastructure Vision: Challenges and Opportunities for the Built Environment.” *Journal of Green Building* 4, no.3 (2009): 74.

Land acquisition for open space preservation and biodiversity protection is often done by county governments and state agencies.¹⁰¹ Land acquisition as an environmental output intended to preserve biodiversity and open space can be considered a regulatory output. Since the government agency owns the land, development activities are clearly not permitted. Conservation easements, however, are a market-based environmental governance output. By offering payment to private landowners, Chicago Wilderness and its member organizations offer disincentives for development activities, but do not coerce landowners. Chicago Wilderness's recommendations for "conservation development" are published guidelines for land developers in the region, including recommendations for development density and leaving space for Greenway connections.¹⁰² The published recommendations from Chicago Wilderness can be considered a management-based environmental governance output, since the recommendations attempt to influence the internal environmental policies of private companies.

Chicago Wilderness itself does not have regulatory authority to implement its recommendations. However, Chicago Wilderness's Green Infrastructure Vision was adopted by the Chicago Metropolitan Agency for Planning (CMAP) as a part of its GO TO 2040 regional plan, which has regulatory authority over seven counties in Northeastern Illinois.¹⁰³

4.2.5 Outcomes

For Chicago Wilderness, desired outcomes are increased levels of biodiversity in natural communities in the region, and increased access to natural areas for people in the region. In 2006, Chicago Wilderness published a "report card" on its progress towards these outcomes. For different types of natural communities (e.g. wetlands, wooded lands), regional experts assessed ecosystem health in terms of biodiversity, with ratings from A to D.¹⁰⁴ Ratings were generally poor, with no natural community throughout the region receiving higher than a "C" rating. However, the report judged that there had been increases in biodiversity in a few specific sites where Chicago Wilderness members had conducted restoration activities.¹⁰⁵

However, Chicago Wilderness has not achieved its desired outcome of measurably increasing biodiversity in the region. As noted in the 2006 report card, the gains in biodiversity at specific sites likely do not outweigh the deterioration of biodiversity throughout the region.¹⁰⁶ The difficulty of achieving these outcomes is related to the region's increasing population density, which makes preserving open space more difficult.¹⁰⁷

¹⁰¹ Dreher, 77.

¹⁰² Dreher, 77-78.

¹⁰³ CMAP, Green Infrastructure,

¹⁰⁴ Chicago Wilderness, Summary Report: The State of Our Chicago Wilderness, p. 7, http://www.chicagowilderness.org/files/2913/3054/8568/cw_report_card_summary.pdf, accessed April 16, 2015.

¹⁰⁵ Chicago Wilderness, Summary Report: The State of Our Chicago Wilderness, p. 10-12.

¹⁰⁶ Chicago Wilderness, Summary Report: The State of Our Chicago Wilderness, p. 7.

¹⁰⁷ Chicago Wilderness, Summary Report: The State of Our Chicago Wilderness, p. 13.

4.3 METRO

4.3.1 History

In 1973, Oregon responded to growing concern over rapid development with the creation of a statewide comprehensive land use planning system.¹⁰⁸ Oregon Senate Bill 100 (1973) established the Land Conservation and Development Commission (LCDC) as the regulatory body with policy and administrative oversight for the execution of all statewide land-use planning programs.¹⁰⁹ This commission, along with the Land Use Review Board of Appeals (LUBA), require local governments to set urban growth boundaries (UGBs) and to create local comprehensive plans in accordance with nineteen statewide planning goals.¹¹⁰

In the decades leading up to the passage of SB 100, the Portland Metropolitan area struggled with fragmented governance; from 1951 to 1961, Portland's tri-city area increased special districts from 89 to 218.¹¹¹ This disjointed governance structure paired with new federal regulations to encourage comprehensive regional planning led to the creation of the Columbia Regional Association of Governments (CRAG). Membership was voluntary and Portland quickly became overrepresented on the council. In 1978, to address this dysfunction, voters approved the dismantling of CRAG and the creation of the Metropolitan Service District, more commonly known as Metro. The Metro region includes Portland and 24 other cities in Clackamas, Multnomah, and Washington counties in Oregon and Clark County in Washington.¹¹²

4.3.2 Organizational Structure

Metro is overseen by a president, six councilors, and an auditor.¹¹³ The president, a regionally elected official, presides over the council, appoints members to the committees, commissions, and boards, and sets the regional policy agenda. The six nonpartisan councilors are elected by the six Metro districts every four years. The auditor is a regionally elected official responsible for annual financial statements and auditing Metro's departments and programs.

In 1979 Metro began operations and was designated by the federal government as the region's metropolitan planning organization (MPO). Any expansion of Metro's authority requires an appeal to voters of a review by the Metro Policy Advisory Committee (MPAC). The committee is made up of

¹⁰⁸SB 100 (1973)

¹⁰⁹ Oregon Department of Land Conservation and Development, "About Us," accessed April 12, 2015, http://www.oregon.gov/LCD/docs/sac/metro_sac.pdf

¹¹⁰ Keith Aoki, "All the King's Horses and All the King's Men: Hurdles to Putting the Fragmented Metropolis Back Together Again-Statewide Land Use Planning, Portland Metro and Oregon's Measure" *JL & Pol.* 21 (2005): 427. The nineteen goals are: (1) Citizen involvement; (2) Land Use Planning; (3) Agricultural land; (4) Forest land; (5) Open Spaces, Scenic and Historical Areas and Natural Resources; (6) Air, Water and Land resources; (7) Areas subject to natural disasters; (8) Recreational needs; (9) Economic Development; (10) Housing; (11) Public facilities and services; (12) Transportation; (13) Energy conservation; (14) Urbanization; (15) Willamette River Greenway; (16) Estuarine resources; (17) Coastal Shorelands; (18) Beaches and Dunes; and (19) Ocean Resources.

¹¹¹ *Ibid*, 428.

¹¹² ¹¹² Richard Margerum et al., "Regional Transportation and Land Use Decision Making in Metropolitan Regions: Findings from Four Case Studies" (University of Oregon's Community Planning Workshop, 2011), 5.

¹¹³ Metro, "What is Metro," accessed April 12, 2015, <http://www.oregonmetro.gov/regional-leadership/what-metro>

twenty-eight members that represent the various counties, cities, and districts within the region.¹¹⁴ MPAC advises the Metro Council on any changes or expansion to the Regional Framework Plan.

4.3.3 Funding

Metro's funds come from both the beginning fund balance and revenues. The majority of Metro's funding, 51%, are revenues from Metro's enterprise activities.¹¹⁵ These enterprise activities include solid waste disposal, the Oregon Zoo, and the Portland Expo Center. Property taxes are the second largest source of revenue and make up 26% of total revenue. The remaining revenues include excise tax, a small permanent property tax base, grants, donations, local government shared revenues, and restricted interest earnings. In addition to these funds, Metro receives both state and federal transportation linked funds. Metro then distributes these funds to cities and counties within the region.

To fund open space preservation, Metro has appealed to voters in the form of bond measures and levees. In 1995, voters approved a \$136 million bond measure for 21 target areas in the region, protects natural areas, and connects trails.¹¹⁶ A 2006 \$227 million bond measure is approved to continue and expand open space preservation in the region. In 2013, Metro proposes and voters approve a levy of 9.6 per \$1,000 of home value. The levy is expected to raise \$8 to \$10 million per year for five years.

As of 2011, Metro had paid about \$168 million to acquire 11,000 acres of natural areas and maintenance and restoration was budgeted at \$400,000 annually.¹¹⁷ This budget does not include staff salaries and special, site specific projects. Funds for property acquisition, as well as the first two years of land restoration and stabilization, are appropriated from voter funded bonds. After this initial period, maintenance costs are funded by Metro's general fund.

4.3.4 Outputs

Metro has regulatory authority over the cities and counties within the Metro region. As such, Metro is able to establish rules for permissible and impermissible activities, set standards for compliance with the rules, articulate sanctions for breaking the rules, and adopted in 1997, the Metro Council is responsible for implementing and updating the Regional Framework Plan (RFP). The RFP is a comprehensive plan for the region encompassing land use, transportation, water quality, and natural areas.¹¹⁸ The RFP is a broad, overarching plan with no direct authority over cities and counties. Metro also produces specific purpose functional plans consistent with RFP policies. Cities and counties must adopt functional plans at the local level that are both consistent with RFP goals and amended to reflect specific purpose functional plans.¹¹⁹ In 1992, voters approved Metro's Metropolitan Greenspace Plan, which provides comprehensive planning for open space preservation.

¹¹⁴ Aoki, "All the King's Horses" 429.

¹¹⁵ Metro, "Finances and Funding" accessed April 12, 2015, <http://www.oregonmetro.gov/how-metro-works/finances-and-funding>

¹¹⁶ Metro, "Timeline: A Natural History," accessed April 14, 2015, <http://www.oregonmetro.gov/public-projects/natural-areas-bond-measures-and-levy/history>

¹¹⁷ Metro, "Portfolio Report," accessed April 14, 2015, http://www.oregonmetro.gov/sites/default/files/portfolio_report.pdf

¹¹⁸ Margerum, "Regional Transportation," 10.

¹¹⁹ *Ibid*, 10.

4.3.5 Outcomes

Since 1992, Metro has become a large scale landowner in the Portland metropolitan area; Metro currently owns over 15,000 acres and is projected to reach 17,000 with the 2006 bond measure.¹²⁰ Of this land, one-third is accessible to the public, the remainder is designated to provide habitat for the regions biodiversity. In 1995, Metro identified 20 target areas, and in 2006, this increased to 27 target areas. These properties include parks, recreational facilities, cemeteries, natural areas with limited public access, and habitat preserves, which offer limited or guided access (See Figure 5).

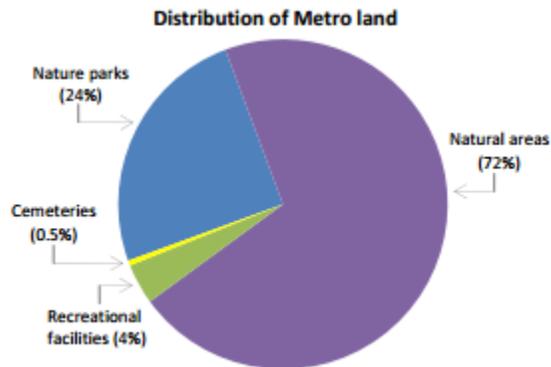


Figure 5 Source: http://www.oregonmetro.gov/sites/default/files/portfolio_report.pdf

As the largest landowner within the region, the Metropolitan Greenspace Plan requires that these lands be restored and protected. Metro has a science team responsible for creating both a short term and long term plan for each property. The short term plan, known as the stabilization period, is funded by the voter approved bond measures. Metro's open space efforts have been applauded domestically and internationally. As the first major city with an urban growth boundary, Portland has taken proactive steps to protect its natural resources.

¹²⁰ Metro, "Metro's Portfolio of Natural Areas, Parks, and Trails: Opportunities and Challenges," accessed May 17, 2015, http://www.oregonmetro.gov/sites/default/files/portfolio_report.pdf

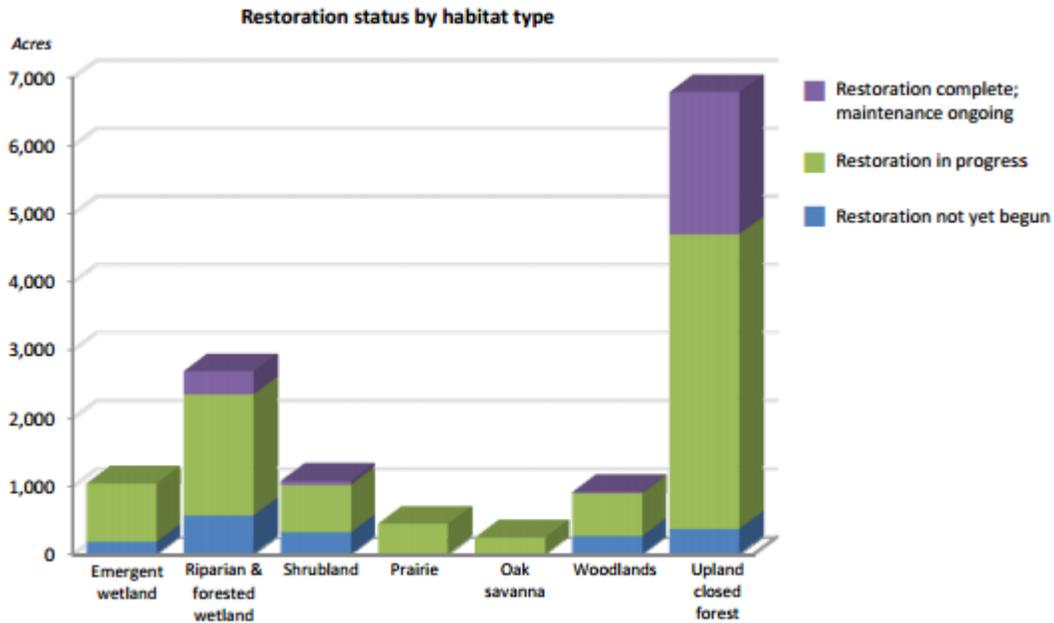


Figure 6 Source: http://www.oregonmetro.gov/sites/default/files/portfolio_report.pdf

4.4 INTERTWINE

4.4.1 History

In 2007, the desire to provide the region with a comprehensive growth and conservation plan led the Metro Council to advocate for an independent advocacy and preservation organization. As a government agency, Metro had difficulty engaging non-profits and mobilizing private funding sources. Additionally, Metro’s regional goals include much more than open space preservation; competing goals and limited resources led many to believe that Metro should not be solely responsible agency for setting the open space preservation agenda. The response was the creation of an independent, non-profit organization. This organization came to be known as the Intertwine, and it was formed to align disparate private, non-profit, and public efforts across the region. In 2011, the Intertwine Alliance became an independent non-profit organization. Intertwine has grown quickly; starting with 28 partners, the alliance currently has over 120 formal partners representing a wide range of interests from the public, private, and non-profit sectors. As an independent, non-profit organization, Intertwine is able to connect stakeholders across political jurisdictions and minimize unnecessary overlap of independent conservation efforts.

The Intertwine Alliance is focused around five key initiatives: protecting biodiversity, fostering stewardship through environmental education, protecting ecologically important lands, working toward a connected regional network of parks, trails and natural areas, and completing the bicycle and pedestrian network (See Figure 3). The Intertwine works in the region surrounding the Columbia and Willamette rivers in both Oregon and Washington.



Figure 7 Source: <http://theintertwine.org/forming-alliance>

4.4.2 Organizational Structure

The Intertwine is organized as a collective impact model. As such, the Intertwine forms a coalition of public, private, and non-profit organizations around a common agenda and specific open space initiatives in the region. As the backbone organization of the coalition, the Intertwine uses 27 indicators to measure the success of their many initiatives. The Alliance has a board of directors elected by the alliance partners and a small administrative staff. Intertwine convenes alliance partners to collaborate on specific Intertwine initiatives, but it also acts as a facilitator to connect alliance partners with grants to complimentary partners to implement programs. Intertwine has a close relationship with Metro, the regional governing body, and Metro pays a significant amount in annual dues. As a public agency, Metro is required to have a formal contractual agreement tied to their annual dues, but the two organizations work closely throughout the year to update or modify the agreement as needed.¹²¹

4.4.3 Funding

Intertwine's primary source of funding is through dues paid by member organizations, and Metro is the single largest contributor to the alliance. As a recipient of Metro funds, Intertwine initiatives do take into account specific Metro goals and initiatives, and the close relationship allows these initiatives to be modified to meet new realities and obstacles. As the backbone organization for the alliance, Intertwine does not independently apply for grants to fund their initiatives, but aids and encourages members in applying for grants.¹²² Intertwine is able to connect members with large funding streams by leveraging the significant membership of the organization in addition to providing technical support and coordinating funding efforts and pooling of funds among members. Intertwine recently played a key role in obtaining an annual, \$1 million investment from U.S. Fish & Wildlife for the Portland-Vancouver National Wildlife Refuges and will work with Refuges on implementation.¹²³

¹²¹ Mike Wetter, executive director, in discussion with author, April 2015.

¹²² Mike Wetter, executive director, in discussion with author, April 2015.

¹²³ The Intertwine Alliance, "News from the Intertwine 4/20/15," accessed May 17, 2015, <https://www.theintertwine.org/>

4.4.4 Outputs

As a non-profit coalition of organizations, Intertwine has no direct authority to regulate land use and conservation in the region. However, Intertwine has been able to bring over 100 formal partners together to collaborate on a regional open space strategy. These management based outputs create shared goals and shared metrics by which to measure the achievement of these goals. Additionally, this critical mass of open space preservation elevates the “brand” of conservation above the level of recognition feasible for a single organization.

4.4.5 Outcomes

As a relatively young organization, Intertwine’s initiatives have not yet been fully implemented and an evaluation of outcomes at this stage is premature. However, the Intertwine Alliance has launched and begun implementing a number of exciting projects with their partners since 2011. The Intertwine published their Regional Conservation Strategy, which identifies conservation priorities in the region, and in 2014 launched a viewer that gives users access to maps and data without costly GIS software. This piece of technology will allow a wider understanding of and support for Intertwine initiatives.¹²⁴ Additionally, the Intertwine Alliance has launched, “Our Common Ground” which is an effort to challenge residents and leaders of the region to find solutions for water management, restore natural areas, and increase canopy cover. Intertwine continues to grow its membership base as well as the size of its operations and influence. Intertwine represents a unique coalition in the region and a powerful voice on the conservation landscape.

4.5 PUGET SOUND REGIONAL COUNCIL

4.5.1 History

Established in 1956, The Puget Sound Regional Council (PSRC) is a regional transportation planning organization for King County, Kitsap County, Pierce County, and Snohomish County. Although in 1966, the PSRC conducted Project Open Space, it remains heavily focused on transportation planning, economic development, and growth management.¹²⁵ In 1991, the council underwent extensive changes to align with the 1990 Washington State Growth Management Act (GMA).¹²⁶ This act gave the PSRC more authority to influence and recommend specific transportation projects in the region. The following year, the federal Intermodal Surface Transportation Efficiency Act (ISTEA) gave the PSRC additional powers and encouraged planning organizations to incorporate land use with transportation planning.

4.5.2 Organizational Structure

The PSRC is recognized under federal law as the regional Metropolitan Planning Organization (MPO), under state law as the Regional Transportation Planning Organization (RTPO), and as the Regional Planning Agency under an interlocal cooperation agreement signed by representatives of the counties, cities and towns, and tribes of the Central Puget Sound. These designations give PSRC broad authority to establish and maintain a regional vision for transportation, economic development, and land use planning for the four counties it serves. PSRC also receives and distributes around \$220 million per year in federal funding for transportation projects, the production of data to support planning, and to

¹²⁴ Intertwine, “About: 2013-14 Annual Report,” Accessed May 17, 2015, <https://www.theintertwine.org/about>

¹²⁵ Richard Margerum et al., “Regional Transportation,” 25.

¹²⁶ PSRC, “History of PSRC,” last modified August, 2011, <http://www.psrc.org/assets/3305/timeline.pdf>

support collaborative visioning projects.¹²⁷ This broad mandate firmly established PSRC as the exclusive forum for planning decisions among governments, and their control over transportation resources ensures commitment from participating officials and agencies.

The PSRC is overseen by the General Assembly, which is made up of elected officials from voting member agencies within the PSRC jurisdiction (see Figure 4).¹²⁸ The General Assembly meets annually to review major regional planning decisions. The Executive Board is appointed by the General Assembly and is authorized to carry out the delegated powers and responsibilities of the General Assembly between annual meetings. There are three boards that represent the three major focuses of the PSRC: the Transportation Policy Board, the Economic Development Board, and the Growth Management Board. These boards make recommendations to the Executive Board and all boards communicate with the Operations Committee, which reviews and makes direct recommendations to the Executive Board on budget and work plan. The PSRC also has 14 committees that provide advice and recommendations organized around special topics such as: bicycle and pedestrian affairs, food policy, and freight mobility. At present, there is no designated committee focused on open space preservation at the PSRC.

There are eight federally recognized Native American tribes located within the PSRC jurisdiction. Unlike local governments, tribes are sovereign, and not required to participate in the planning process by state and federal law. However, tribes retain voting rights in the General assembly, and play a significant advisory role on key environmental and land use planning efforts.¹²⁹



Figure 8 Source: <http://www.psrc.org/about/boards>

4.5.3 Funding

Under Washington State Law, each RTPo must complete a Unified Planning Work Plan every two years. This plan must then be approved by both the Federal Transportation Administration and the Federal Highway Administration in order to be eligible for federal funds. PSRC's federal funds come from three major sources: the Surface Transportation Program (STP), the Congestion Mitigation and Air Quality Program (CMAQ), and the Federal Transit Administration funds (FTA), around \$220 million are made available each year for transportation improvement projects. The Washington State Department of Transportation (WSDOT) may also sponsor projects to receive additional federal and state funds.

PSRC's operations are funded through a combination of federal, state, and local contributions. The council's FY 2013-2015 PSRC is \$26.6 million, about 80 percent of which is from federal grants, 5 percent

¹²⁷ PSRC, "Frequently Asked Questions," Accessed May 20, 2015, <http://www.psrc.org/about/faq>

¹²⁸ Margerum et al., "Regional Transportation," 28.

¹²⁹ Ibid., 29.

from state grants, and the remaining 15 percent from dues paid by PSRC members and from other local sources.¹³⁰

4.5.4 Outputs

In accordance with the Washington State Growth Management Act (GMA), the PSRC must meet specific minimum requirements and align with statewide planning goals, although these goals do not have regulatory authority. In addition to statewide goals, PSRC also produces multicounty and county specific goals to provide a common framework and policy structure. The PSRC's current guiding publication, *Vision 2040*, has four key focus areas: transportation, growth management, economic prosperity, and the environment. *Vision 2040* follows standards stipulated in the national Clean Air Act, the Washington State Environmental Policy Act, and the PSRC environmental review process.

Vision 2040 is not a binding document, but is meant to provide the region with a consistent master plan. Consistent with the 1990 Growth Management Act, the governments of the four counties agree to use the PSRC as a shared framework to develop policies. Within the region, cities and counties retain authority to implement local planning policies although the PSRC provides technical assistance to incorporate *Vision 2040* goals. At the regional level, each project must undergo an approval process, which includes a public review, before implementation.¹³¹ The PSRC also conducts implementation and performance monitoring as a regional process review. Although at present, the PSRC does not exercise regulatory authority over conservation and development rights, *Vision 2040* encourages the transfer and purchase of development rights and conservation incentives.¹³²

The PSRC has direct legal and regulatory authority over transportation planning under state and federal law. The PSRC prepares a regional transportation strategy and transportation plan that details current and planned transportation infrastructure and includes a financial plan. In the event that local and regional planning conflict with state goals and plans, the Washington Supreme Court ruled in 1991 that the regional, larger scale plan takes precedence.¹³³

5 LESSONS LEARNED FROM CASE STUDIES

The case studies above are a representative sample of the various ways in which collaborative regional land use efforts may be structured and provides the context and conditions in which they developed. Below is an analysis of the similarities and differences between the cases, and the lessons we can draw from them.

¹³⁰ PSRC, "PSRC Basics," 2015, <http://www.psrc.org/assets/7914/PSRCBasics.pdf>

¹³¹ *Ibid*, 32.

¹³² *Ibid*, 33.

¹³³ *City of Des Moines v. the PSRC*

	Chesapeake Bay Program	Chicago Wilderness	Metro	Intertwine	PSRC
Starting Conditions					
Period of heightened public awareness	✓		✓		✓
Dedicated set of experts committed to cause		✓		✓	
Organizational Structure					
Government-led/mandated Body	✓		✓		✓
Legal authority to enact decisions			✓		
Broad Public Participation and Support	✓	✓	✓	✓	
Clearly Defined Boundaries	✓	✓			✓
Clear Process Rules and Transparency	✓	✓	✓	✓	✓
Leadership	✓	✓	✓	✓	✓
Financing					
Receives Public Funding	✓	✓	✓	✓	✓
Receives Private Funding		✓		✓	
Outputs					
Regulatory		✓	✓		✓
Market Based	✓	✓	✓		
Management Based	✓	✓	✓	✓	✓

Table 2: Characteristics of Case Studies

5.1 STARTING CONDITIONS

The Puget Sound Regional Council, Metro, and the Chesapeake Bay Program all represent government led initiatives to create regional governance structures. These organizations were established due to a focusing event. In the case of both PSRC and Metro, this event was in the form of widespread concern over the economic vitality of the regions due to fragmented regulatory governance structures. In the Chesapeake Bay, this focusing event was a series of reports illustrating the environmental devastation of the region. These focusing events created enough political momentum and public support to establish formal, government-led governance structures. However, these cases also represent the difference in chosen governance structures given the perceived threat.

The PSRC and Metro both chose to establish governance structures with regulatory outputs and a high level of authority, because fragmented regulation was seen as the problem. In the case of the Chesapeake Bay, the perceived problem was poor environmental stewardship which led to the degradation of the bay and ultimately created a threat to economic vitality. For this reason, decision makers chose to establish a formal governance structure to provide comprehensive planning, but did not grant this organization regulatory authority. These cases exemplify the ways in which a focusing event can mobilize government decision makers and the importance of the problem definition in creating solutions.

The case studies of the Chicago Wilderness and Intertwine represent the power of expert groups to establish advocacy coalitions with buy-in from public, private, and non-profit actors. These cases also represent that while most environmental issues have direct economic implications, if these threats are not apparent to the general public, it is unlikely that these concerns will result in the creation of formal, regulatory governance structures. The relationship between Metro and Intertwine is unique among the

case studies; both Metro and local experts felt that a government-led initiative was limiting. By creating a non-profit, Intertwine is able to set open space goals independent of larger government initiatives, its members can access funding streams unavailable to government agencies, and the alliance is flexible and able to change and respond in a much quicker manner than a government agency.

5.2 ORGANIZATIONAL STRUCTURE

Each of the case studies above represent how organizational structure depends heavily on the authorizing environment in which they exist. Federal regulation, such as the 1991 Intermodal Surface Transportation Efficiency Act of 1991, encourage regional planning. In addition to federal policy, Oregon and Washington both adopted urban growth boundaries (UGBs) to curb urban sprawl. This environment led to the creation of two formal, government led organizations: PSRC and Metro. Metro represents the highest level of direct control over open space preservation due to its unique authorizing environment; federal, state, and regional governments have recognized the need for a government regional planning agency. Alternatively, PSRC represents federal and state authorities interpreting regional planning with a much narrower lens: transportation. These two cases with highly articulated goals represent how similar authorizing environments do not necessarily lead to the creation of similar regional planning agencies. Chicago Wilderness itself does not have direct authority over land use decisions for open space, but its Green Infrastructure Vision was adopted by Chicago Metropolitan Agency for Planning, which does have regulatory authority over regional planning in Northeastern Illinois. The Chesapeake Bay Program is unique in scale; a seven state collaboration must rely on federal, top down directives, such as EPA oversight, and voluntary agreements between states.

As discussed above, Metro, and PSRC were established as government organizations with regulatory authority. As such, both organizations have clear ground rules and transparent, uniform processes for decision making. Both Metro and PSRC have compulsory membership and all local authorities are subject to compliance with their initiatives and requirements. Due to this there is comparatively less engagement with stakeholders outside of the authorizing environments, such as non-profits and community groups, to decide initiatives and implement programs. As government organizations, the boards of Metro and PSRC must be representative of the jurisdictions they represent. Additionally, decision making must be clear and transparent. This high level of formality results in greater direct authority, but can also impede the decision making process as decision makers may see themselves first as representatives from their local communities and second as citizens of a regional community.

The Chesapeake Bay Program, Chicago Wilderness, and Intertwine are organized as advocacy coalitions. In all three cases, a backbone organization serves to coordinate the efforts of a broad group of public, nonprofit, and private organizations. These organizations do not have compulsory membership and therefore must engage in concerted relationship building efforts to maintain credibility and influence. This less formal organizational structure allows these advocacy coalitions flexibility in setting and changing initiatives. Additionally, advocacy coalitions are able to staff and chair their organizations with experts or representatives from member organizations, unlike government led initiatives, which must remain representative of the jurisdictions. This organizational structure has the benefits of flexibility and a comparatively quicker response time to the changing needs of the region, but may result in uneven representation of the geographic region.

5.3 FUNDING

Beyond stakeholder engagement, our case studies of advocacy coalitions and government-led collaboration differ in terms of funding sources and level of authority. As government-led initiatives, PSRC and Metro are able to access public funds, with Metro receiving funding through property taxes and PSRC receiving funding through federal transportation programs. It should be noted that both Metro and PSRC receive funds that have specific, non-conservation constraints. The Chesapeake Bay Program, Chicago Wilderness, and Intertwine receive funding through a mixture of government grants, member dues, and donations.

5.4 OUTPUTS

The types of environmental governance outputs produced across the case studies represent the full spectrum of outputs discussed in the theoretical section above: regulatory, market-based, and management-based outputs. The level of authority was directly correlated with the type of output; government-led initiatives were more easily able to produce regulatory outputs, while voluntary membership organizations relied more heavily on management-based outputs.

5.4.1 Regulatory Outputs

For open space planning, purchasing land can be considered a regulatory output, since the purchase restricts others from developing on that land. Land purchasing plays a major role in conservation efforts for government-led initiatives. As a government-led organization, Metro has used land purchasing as a key output and is now the largest landowner in the Portland region.¹³⁴ As advocacy coalitions, The Intertwine Alliance, Chicago Wilderness, and the Chesapeake Bay Program attain land through purchases by member organizations.

5.4.2 Market-Based Outputs

In open space preservation, market-based outputs are mainly in the form of conservation easements and development restrictions. Obtaining conservation easements is a form of market-based output, since incentives are offered to private landowners for not developing land. The Chicago Wilderness and Chesapeake Bay both use conservation easements as a way to preserve valuable habitats. This is a valuable option for preserving farmland, as it is privately owned, and the easement can ensure the land will not be developed, without the government agency or alliance needing to own the land.

5.4.3 Management Based Outputs

A common characteristic of the organizations explored above is the importance of providing the public with the current state of affairs in the region, implications of the status quo, and a set of concrete initiatives and goals for conservation in the region. Early in its history, Chicago Wilderness published *The Atlas of Biodiversity*, which categorized species and brought increased attention to Chicago Wilderness and to biodiversity issues in the region.¹³⁵ An early goal of the Intertwine Alliance was the publication of the Regional Conservation Strategy and the completion of a system that allows viewers to access maps and data in the region without costly equipment. These reports increase the legitimacy of an

¹³⁴ Metro, "Metro's Portfolio," 4.

¹³⁵ Moskovitz, 219.

organization's efforts, demonstrate the need for conservation initiatives, and communicate the goals of an organization.

5.5 OUTCOMES

Each of the organizations we examined have made significant progress towards their open space goals, but there is no evidence to suggest that any particular model is more effective than another. While the Chesapeake Bay Program and Chicago Wilderness have made great strides in expanding and coordinating conservation efforts, they have both not seen the changes in biodiversity richness and species populations they desire. Metro has been quite successful at obtaining conservation easements and acquiring land, but still felt the need to establish an independent non-profit to bring in more stakeholders. PSRC has managed planning efforts in one of the most rapidly growing regions in the country with much success, but has not funded or implemented many of its environmental and open space goals.

These lessons largely reinforce the theory described in section 2, but each case is unique and should be kept in mind when ROSS is determining what direction it will take in the future. In the remaining sections we will discuss the conditions for collaboration in the Central Puget Sound, and how they affect the potential governance models available to ROSS.

6 POLICY ENVIRONMENT OF THE CENTRAL PUGET SOUND

Determining the best governance structure for ROSS requires an examination of the authorizing environment in the Puget Sound region. As shown in the case studies above, authorizing environment plays a key role in determining which organizational structures and funding streams are most appropriate in each context. All governments, from federal to local, play a part in articulating both the requirements for land use and the specifics of open space conservation. In the following section, we will highlight key considerations that any governance structure will have to work within to implement a regional open space strategy.

6.1 AUTHORIZING ENVIRONMENT: FEDERAL

The role of the federal government in environmental regulation has greatly increased over the last sixty years as public concern for environmental protection has grown.¹³⁶ Before the 1960s, states maintained regulatory oversight while the federal government provided funding without articulating specific objectives. In the 1970s, congress passed a number of environmental laws including the National Environmental Policy Act and the Resource Conservation and Recovery Act. The expansion of federal regulation led to the creation of the Environmental Protection Agency (EPA), which acts as a research, monitoring, standard-setting, enforcement agency for federal environmental programs. The EPA is responsible for articulating programs and goals, but the federal government authorizes the EPA to charge states with actual implementation.¹³⁷ States are able to return responsibility for initiatives to the

¹³⁶ Clifford Rechtschaffen and David L. Markell, *Reinventing Environmental Enforcement and the State/federal Relationship* (Washington, D.C.: Environmental Law Institute, 2003), 13.

¹³⁷ *Ibid*, 15.

EPA.¹³⁸ This “cooperative federalism” relationship is the primary method for federal initiatives to be enacted in the states.

EPA receives federal funding to support efforts to protect and restore Puget Sound, most of which are used for financial assistance to state, local and Tribal governments for efforts to implement the Puget Sound Action Agenda.¹³⁹

6.2 AUTHORIZING ENVIRONMENT: STATE

As national concern grew over environmental degradation, Washington became an environmental leader in the 1970s. Before the establishment of the EPA, Washington created the Department of Ecology to identify and prioritize environmental goals, strategies and performance measures statewide.¹⁴⁰ At present, the Department of Ecology manages contractual agreements with the EPA and provides technical support for local authorities.¹⁴¹

Similar to federal environmental management, the state articulates specific objectives and requirements, but the majority of environmental initiatives are carried out by local governments. This form of environmental management is accomplished both through direct regulatory control in the form of environmental acts passed in the legislature, and also through incentives, primarily through funding for specific initiatives and programs. Although an exhaustive analysis of environmental legislation in the state of Washington is beyond the scope of this report, the Shoreline Management Act and the Growth Management Act play major roles in conservation in the Puget Sound region and should be taken into account when establishing any new form of governance.

6.2.1 The Shoreline Management Act

Due to increased public awareness and concern over the degradation of coastal zones, Washington passed the Shoreline Management Act (SMA) in 1971 which protects not only coastal zones, but also lakes and streams as well as large bodies of water.¹⁴² The SMA requires local governments to inventory all shorelines within their jurisdiction. The SMA affects all streams with a mean annual flow greater than twenty cubic feet per second or a body of water larger than twenty acres.¹⁴³ The SMA defines shorelines as, “lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters...”¹⁴⁴

The SMA requires local authorities to create a master program for comprehensive shoreline planning and management in accordance with formal state guidelines.¹⁴⁵ Once the master plan is approved by the

¹³⁸ Ibid, 16.

¹³⁹ EPA, “Puget Sound,” accessed April 25, 2015, <http://www.epa.gov/pugetsound/>

¹⁴⁰ Washington State Department of Ecology, “Historically Speaking: An Oral History In Celebration of the First 35 Years, 1970-2005” Ecology Publication #05-01-006 (2005): 1.

¹⁴¹ Department of Ecology, “About Us,” accessed April 21, 2015, <http://www.ecy.wa.gov/ppa.html>

¹⁴² Crooks, Geoffrey. “The Washington Shoreline Management Act of 1971,” Wash. L. Rev. 49 (1973): 423.

¹⁴³ Ibid., 432.

¹⁴⁴ WASH. REV. CODE § 90.58.030(2)(d).

¹⁴⁵ WASH. REV. CODE § 90.58.030(3)(a)

state, local authorities, with technical assistance provided by the Department of Ecology, use permits to regulate the development and use of shorelines within their jurisdiction.¹⁴⁶

6.2.2 The Growth Management Act

In 1990, the Washington State Legislature passed the Growth Management Act (GMA) to combat the uncoordinated and unplanned growth that threatened the environment, public health, safety, and sustainable economic development in the state.¹⁴⁷ The Department of Commerce is responsible for implementing the GMA and reviewing county comprehensive plans. The Governor has the authority to sanction any state agency, county, or city that does not comply with the GMA.

The GMA requires counties and cities to adopt county-wide comprehensive plans as well as regional transportation plans. Each plan must:

- Designate an urban growth area(s) in which density will be encouraged;
- Promote contiguous and orderly development;
- Site public capital and transportation facilities;
- Establish policies for countywide transportation facilities and strategies;
- Consider the need for affordable housing;
- Create joint county and city planning within urban growth areas;
- Create policies for countywide economic development and employment, including future needs and considerations; and
- Prepare an analysis of the fiscal impact.¹⁴⁸

In addition to these broad requirements, counties with a population of more than four hundred and fifty thousand with contiguous urban areas must adopt “multicounty planning policies,” although these policies are not articulated in the GMA.¹⁴⁹

The GMA identifies a number of minimum requirements local governments must satisfy in regard to open space. . The GMA recognizes open space as land used for recreation, wildlife habitat, trails, and land that connects critical areas. First, all local governments must designate critical areas within their boundaries, restrict land use and harmful development and use “best available science” to protect these areas.¹⁵⁰ Second, counties and cities must designate resource lands that have long-term agricultural value, future commercial value, such as forests, and mineral resource lands. Counties and cities must identify open space corridors within and between urban growth boundaries. Finally, adjacent land must not interfere with these any of the above protected lands. The GMA also stipulates that all local authorities manage the lands so that there is “no net loss” of the structure, function, or role of the

¹⁴⁶ Crooks, “Washington Shoreline,” 443.

¹⁴⁷ WASH. REV. CODE § 36.70A.050; WASH. ADMIN. CODE § 365-190-010-080 (1997).

¹⁴⁸ WASH. REV. CODE § 36.70A.210(3).

¹⁴⁹ WASH. REV. CODE § 36.70A.210(7).

¹⁵⁰ "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company. Source: WASH. REV. CODE § 36.70A.030.

land.¹⁵¹ In addition to these requirements, local governments may choose to incorporate optional planning measures to address conservation, solar energy, and transfer of development rights.¹⁵²

The GMA authorizes local governments to impose fees for planning projects, including open space. To do so, the GMA requires that the fees are directly related to new development, do not exceed a proportionate share of the systems improvement, and be imposed only for systems improvements that benefit new development.¹⁵³

6.3 AUTHORIZING ENVIRONMENT: NON-PROFIT AND COMMUNITY ORGANIZATIONS

In addition to public agencies and administrators, numerous non-profit and community organizations have an interest in conserving open space in the Central Puget Sound. While ROSS has already worked with many of these actors as contributors to watershed plans and project partners, ROSS should be aware that the pool of funding and resources, which these organizations compete for, is limited. Non-profit and community organizations, unlike public agencies, are able to respond quickly to a changing conservation landscape; they are able to move quickly when land becomes available and they are able to access funding streams, such as grants and donations, unavailable to public agencies. A limitation of non-profits and community organizations is their lack of formal authority and regulatory alternatives. They can, however, produce regulatory outputs through the purchase of land. However, one of the greatest attributes of a non-profit or community organization is their autonomy, both in choosing initiatives and allocating resources.

Important organizations to consider as major stakeholders in any ROSS implementation strategy include large land conservation organizations such as Forterra and the Nature Conservancy, and the American Farmland Trust. Other planning based organizations such as the Smart Growth Alliance, the Urban Lands Institute, and Quality Growth Alliance may be able to provide additional technical assistance, data, and capacity, even if they are not formal members of a future ROSS organization, or if ROSS falls under their umbrella. The Metropolitan Greenspace Alliance, a loose network of conservation coalitions across the US, may also provide some insights into current Open Space conservation efforts. This is not an exhaustive list, ROSS staff have already identified many more important community based and regional stakeholders through the Watershed Open Space Strategy planning process. To keep these stakeholders engaged, these organizations should be consulted about larger regional planning issues, and provided with specific way in which they can contribute to the larger effort.

7 FUNDING FOR LAND CONSERVATION IN CENTRAL PUGET SOUND

Several federal and Washington State programs provide funding for land conservation in central Puget Sound. Some programs can only provide funding to government agencies, while others are open to nonprofits and other groups as well. ROSS's choice of governance structure should take into account the different sources of funding for land conservation available to different types of organizations.

¹⁵¹ Eric Laschever, "An overview of Washington's Growth Management Act," 7 Pacific Rim Law & Policy Journal (1998), 663.

¹⁵² WASH. REV. CODE § 36.70A.090.

¹⁵³ WASH. REV. CODE § 82.02.050(3).

This section provides an overview of how organizations and government agencies in central Puget Sound access federal and Washington state funding for land conservation, how much funding each source provides, and how much funding each organization and government agency receives.

7.1 FEDERAL FUNDING FOR PURCHASING LAND AND OBTAINING CONSERVATION EASEMENTS

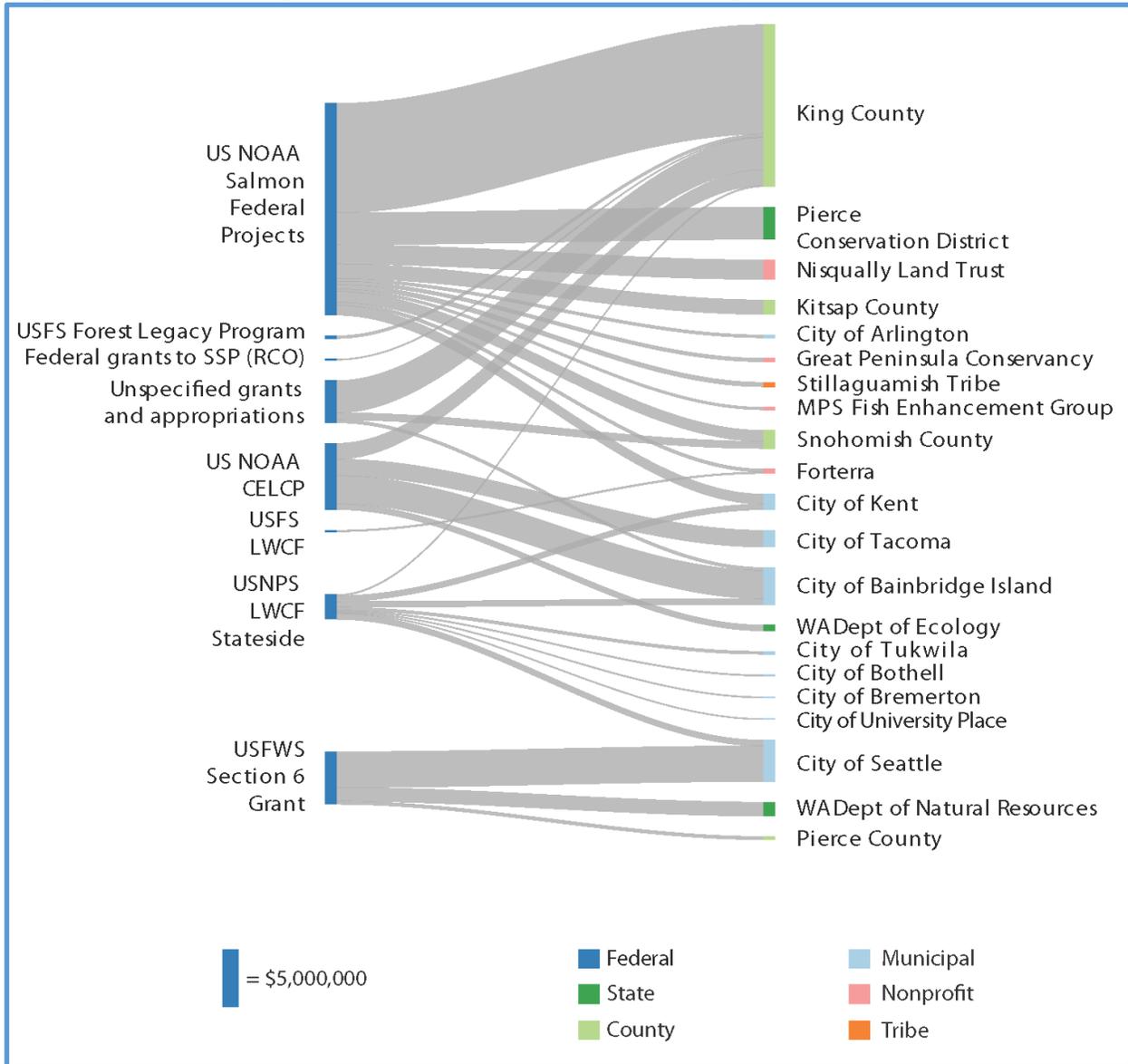
In this section, we consider federal funding sources for land conservation in central Puget Sound. For each federal funding source, we examine the requirements for receiving funding, the amount of funding directed to land conservation in central Puget Sound between 1998 and 2013, and which organizations and government agencies received and managed the funding.

*Figure 1*¹⁵⁴ is a sankey diagram of federal funding for land conservation in central Puget Sound. Federal funding sources are displayed on the left, and program managers are displayed on the right. The diagram displays funding flows from federal programs between 1998 and 2013 in King, Snohomish, Pierce, and Kitsap counties. Thicker lines indicate greater funding flows.

¹⁵⁴ Data sourced from www.conservationalmanac.org. Diagram created in R using the GoogleVis package.

The *Conservation Almanac* database only includes funding used for purchasing conservation easements and for outright land purchases. In *Figure 1*, only federal funding flows are displayed. Direct spending by a federal agency for land purchases or conservation easements is not represented. Total federal funding flows displayed in *Figure 1* are close to \$35 million.

Figure 1: Federal funding flows for land conservation in central Puget Sound, 1998-2013



7.1.1 US National Oceanic and Atmospheric Administration – Salmon Federal Projects

NOAA salmon recovery funds are the single largest federal source for purchasing land and conservation easements in central Puget Sound, totaling \$18.5 million between 1998 and 2013. Under the jurisdiction of the Endangered Species Act, NOAA must implement a recovery plan for salmon.¹⁵⁵ NOAA’s salmon

¹⁵⁵ “Salmon Recovery,” *NOAA Fisheries*, accessed April 18, 2015, http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/general_salmon_recovery_information.html

recovery strategy intends to coordinate efforts between federal, state, and local government, nonprofits, and tribal government.

King County has received the greatest proportion of funding for land conservation from the NOAA Salmon Federal Projects, purchasing nearly 900 acres of land through the program between 1998 and 2013.¹⁵⁶ Grant applications for land purchases or conservation easements through the program must demonstrate that the conserved land would have a positive impact on salmon recovery.¹⁵⁷ However, county and municipal governments, tribal governments, and nonprofits are eligible for receiving funding for land purchases through the program.

7.1.2 US National Oceanic and Atmospheric Administration – Coastal and Estuarine Land Conservation Program

The Office for Coastal Management, under the NOAA, manages the Coastal and Estuarine Land Conservation Program (CELCP).¹⁵⁸ The program provides funding for purchasing or obtaining conservation easements for coastal lands. To receive funding, local or state governments must agree to match CELCP funding 1:1, and must plan to hold the lands for conservation in perpetuity.¹⁵⁹

King County, the Washington Department of Ecology, and the cities of Bainbridge Island and Tacoma have received funding through CELCP. Funds provided by CELCP assisted with the purchase of around 240 acres of land, at a cost of \$5.8 million.

7.1.3 US Fish and Wildlife Service Section 6 Grants

Authorized by the Endangered Species Act, the US Fish and Wildlife Service provides grants for habitat protection of endangered species.¹⁶⁰ “Traditional” Section 6 grants are awarded for habitat restoration projects, species reintroduction, and management plan development, but local governments can be awarded Section 6 funding for “nontraditional” reasons as well. “Nontraditional” land acquisition grants are also awarded to state and local governments under Section 6 for Habitat Conservation Plans. Grantees must demonstrate that the land acquisition would have important benefits for threatened and endangered species.

The City of Seattle, WA State Department of Natural Resources, and Pierce County have received Section 6 grants, totaling \$4.6 million. Nonprofits are not eligible to receive Section 6 grants.

¹⁵⁶ Acreage data sourced from www.conservation Almanac.org

¹⁵⁷ “Pacific Coastal Salmon Recovery Fund – Information for Applicants,” *NOAA Fisheries*, accessed April 30, 2015, http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/pcsr_f_applicant_information.html

¹⁵⁸ “The Coastal and Estuarine Land Conservation Program,” *NOAA Office for Coastal Management*, accessed April 30, 2015, <http://coast.noaa.gov/czm/landconservation/?redirect=301ocm>

¹⁵⁹ “Coastal and Estuarine Land Conservation Program Final Guidelines,” *National Oceanic and Atmospheric Administration*, June 2003, accessed April 18, 2015, <http://coast.noaa.gov/czm/landconservation/media/CELCPfinal02Guidelines.pdf>

¹⁶⁰ “Section 6 of the Endangered Species Act,” *U.S. Fish & Wildlife Service*, accessed April 18, 2015, http://www.fws.gov/midwest/endangered/grants/S6_grants.html

7.1.4 Unspecified grants and appropriations

Some federal funding is directed to local governments outside of specific programs. It is not clear how local governments applied for or received this federal funding. Snohomish County, King County, and the City of Bainbridge Island have received this type of funding, totaling \$3.7 million.

7.1.5 US National Park Service Land and Water Conservation Fund Stateside

The Federal Land and Water Conservation Fund is funded at \$900 million per year (though not all of the funding is appropriated), through royalties from offshore oil and gas drilling, and is co-managed by the USDA Forest Service, the US National Park Service, the US Fish and Wildlife Service, and the Bureau of Land Management.¹⁶¹ The US National Park Service manages the Land and Water Conservation Fund for the purpose of making matching grants to state and local governments.¹⁶² King County and the cities of Seattle, Kent, Tukwila, Bothell, Bainbridge Island, Bremerton, and University Place have received funding through the program for land purchases, totaling around \$2.2 million.

In order to be eligible for grants, states must create statewide recreation plans.¹⁶³ In Washington, the state Recreation and Conservation Office is responsible for creating this plan. Stateside LWCF grants are capped at \$500,000 for a project, and total funding for Washington is usually around \$1 million biennially.¹⁶⁴ Nonprofits are not eligible to receive funding.

7.1.6 USDA Forest Service Forest Legacy Program

The USDA Forest Service Forest Legacy Program provides grants to states or local governments for the purchase of land or conservation easements.¹⁶⁵ The program is minimally used in central Puget Sound. In 2011, the program provided \$230,000 to King County contributing to a 40 acre land purchase.

7.1.7 USDA Forest Service Land and Water Conservation Fund

Under the USDA Forest Service's management the Land and Water Conservation Fund is used to purchase land directly, and also provides grants for land purchases, both for recreation and for wildlife habitat protection.¹⁶⁶ Only the nonprofit Forterra has received funding (\$134,000) for purchasing land through the program through the USDA Forest Service.

¹⁶¹ "LWCF and Forest Legacy," *Land Trust Alliance*, accessed April 18, 2015, <http://www.landtrustalliance.org/policy/public-funding/lwcf-and-forest-legacy>; "LWCF Purchases – About the Fund" *US Forest Service*, accessed April 30, 2015, <http://www.fs.fed.us/land/staff/LWCF/about.shtml>

¹⁶² "Land & Water Conservation Fund," *National Park Service*, accessed April 18, 2015, <http://www.nps.gov/lwcf/index.htm>

¹⁶³ "How States Plan and Select Projects," *National Park Service*, accessed April 18, 2015, http://www.nps.gov/ncrc/programs/lwcf/plan_prjts.html

¹⁶⁴ "Land and Water Conservation Fund," *Washington State Recreation and Conservation Office*, accessed April 18, 2015, <http://www.rco.wa.gov/grants/lwcf.shtml>

¹⁶⁵ "LWCF and Forest Legacy," *Land Trust Alliance*, accessed April 18, 2015, <http://www.landtrustalliance.org/policy/public-funding/lwcf-and-forest-legacy>

¹⁶⁶ "LWCF Purchases – About the Fund" *US Forest Service*, accessed April 30, 2015, <http://www.fs.fed.us/land/staff/LWCF/about.shtml>

7.1.8 Federal grants to Salmon State Projects (RCO)

Some federal funding is directed to Washington’s Recreation and Conservation Office for salmon recovery projects.¹⁶⁷ \$88,000 of federal funding was re-directed to King County through the RCO between 1998 and 2013.

7.1.9 Summary of Federal Funding Flows, 1998-2013¹⁶⁸

Federal program	Eligible to receive funds	Requirements and restrictions	Total funding flows to central Puget Sound for land purchases and conservation easements
USNOAA Salmon Federal Projects	<ul style="list-style-type: none"> Federal agencies State agencies County and municipal governments Tribal governments Nonprofits 	Must benefit salmon recovery	\$18.5 million
USNOAA CELCP	<ul style="list-style-type: none"> State agencies County and municipal governments 	<ul style="list-style-type: none"> 1:1 funding matching Lands must be held in conservation in perpetuity 	\$5.8 million
US Fish and Wildlife Service Section 6 Grants	<ul style="list-style-type: none"> State agencies County and municipal governments 	Land conservation must benefit endangered or threatened species	\$4.6 million
Unspecified grants and appropriations	Not specified	Not specified	\$3.7 million
US National Parks Service LWCF Stateside	<ul style="list-style-type: none"> State agencies County and municipal governments 	Statewide recreation program required	\$2.2 million
USDA Forest Legacy Program	<ul style="list-style-type: none"> State agencies County and municipal governments 	Must be used to conserve “environmentally important” forest lands	\$230,000
USDA Forest Service LWCF	<ul style="list-style-type: none"> Not specified (only nonprofits have received funding in central Puget Sound) 	Few restrictions (both wildlife habitat protection and recreation allowed)	\$134,000

¹⁶⁷ “Salmon Recovery Grants,” *Washington State Recreation and Conservation Office*, accessed April 30, 2015, <http://www.rco.wa.gov/grants/salmon.shtml>

¹⁶⁸ Data sourced from www.conservationalmanac.org.

Federal grants to Salmon State Projects (RCO)	<ul style="list-style-type: none"> • State agencies • County and municipal governments • Tribal governments 	Must benefit salmon recovery	\$88,000
Total			~ \$35 million

7.1.10 Direct Federal Spending

In addition to funding flows managed by state agencies, local governments, tribal governments, and nonprofits, the US National Park Service, US Fish and Wildlife Service, and US Forest Service have made direct purchases of land and obtained conservation easements. For all three agencies, the source of funding for direct purchases was the Land and Water Conservation Fund

Agency	Total spending for land purchases and conservation easements in central Puget Sound
US National Park Service	\$7,100,000
US Fish and Wildlife Service	\$1,400,000
US Forest Service	\$72,000
Total	~ \$ 9 million

With direct federal spending and federal funding flows combined, \$44 million federal dollars were spent on land conservation in central Puget Sound between 1998 and 2013.

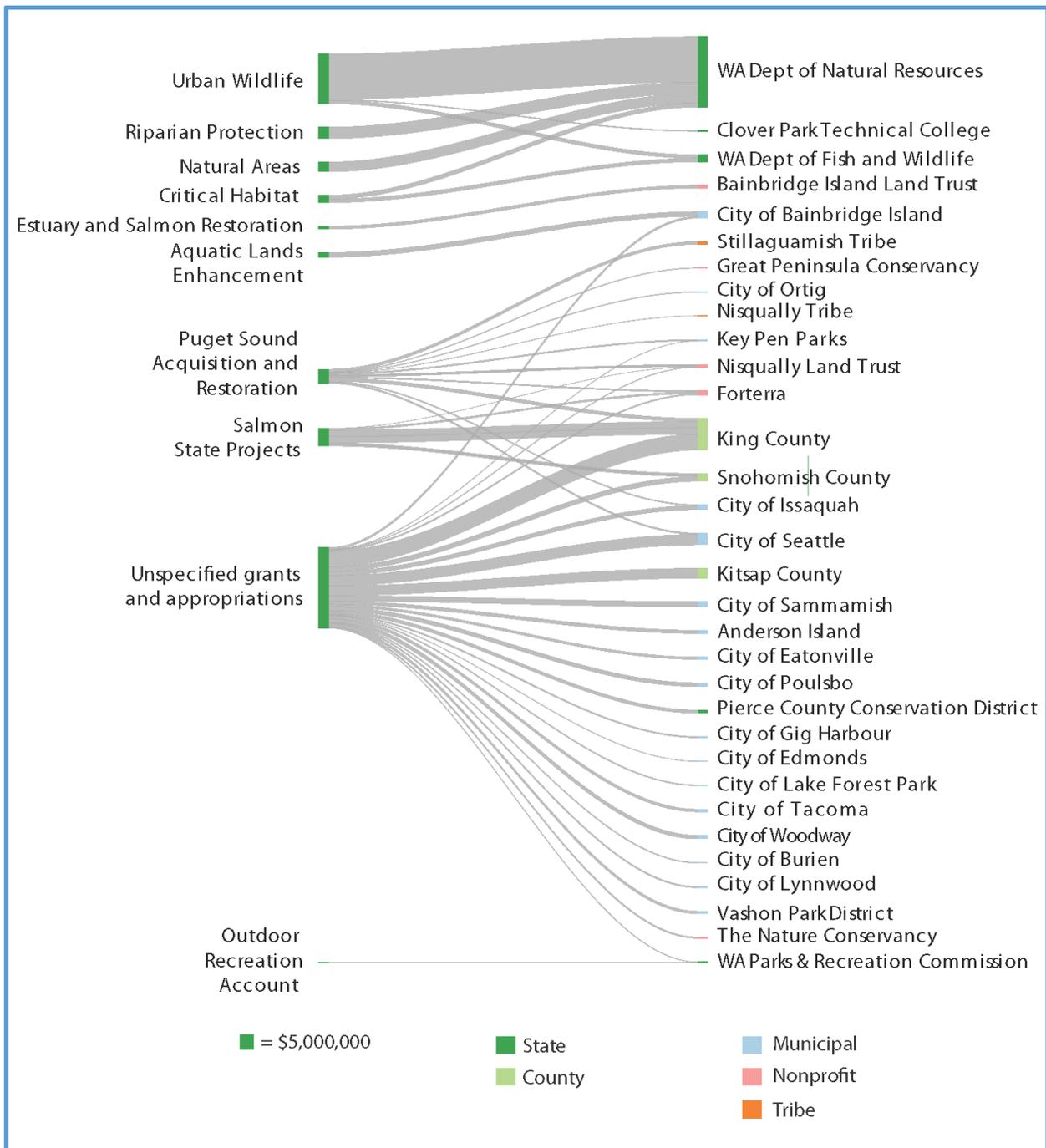
7.2 WASHINGTON STATE FUNDING FOR PURCHASING LAND AND OBTAINING CONSERVATION EASEMENTS

In this section, we consider state funding sources for obtaining conservation easements and purchasing land in central Puget Sound. The *Conservation Almanac* database was also used as the source for information on state funding. *Figure 2*¹⁶⁹ displays sources of Washington state funding for land acquisition and conservation easements on the left, and program managers receiving funding on the right. Total Washington State funding flows displayed in *Figure 2* are close to \$68 million.

Other than “unspecified grants and appropriations,” all state funding flows used for purchasing land or obtaining conservation easements originate from the state Recreation and Conservation Office (RCO). The RCO has a wide variety of grant programs for other state agencies, county governments, municipal governments, nonprofits, and tribal governments.

¹⁶⁹ Data sourced from www.conservationalmanc.org. Diagram created in R using the GoogleVis package.

Figure 2: Washington State funding for land conservation in central Puget Sound, 1998-2013



7.2.1 Aquatic Lands Enhancement Account

The RCO Aquatic Lands Enhancement Account (ALEA) is used to provide grants for the improvement and protection of tidelands, harbor areas, and beds of navigable waters.¹⁷⁰ ALEA funding is usually used for land restoration or bulkhead removal. Local agencies, state agencies, and tribal governments are eligible

¹⁷⁰ "Aquatic Lands Enhancement Account," *Washington State Recreation and Conservation Office*, accessed April 18, 2015, <http://www.rco.wa.gov/grants/alea.shtml>

to receive funding, all of which must match 50 percent of funds received, but nonprofits are not eligible to receive funding.¹⁷¹

Although not usually used for land acquisition, \$1.6 million in ALEA funding was used by the Bainbridge Island Parks Department for a project in 2010. No other government agency in central Puget Sound has received ALEA funding for land acquisition or conservation easements since 1998.

7.2.2 Urban Wildlife

Urban Wildlife RCO grants are used to purchase land that could be used as a wildlife corridor, or could protect wildlife habitat close to urban areas.¹⁷² In order to receive Urban Wildlife funding, a proposed project must be within five miles of a city or town boundary. Only local and state government agencies and tribal governments are eligible to receive funds. Local government agencies and tribal governments must match 50% of funds, but state agencies have no matching requirement.

Between 1998 and 2013, \$16.9 million in Urban Wildlife funding for land conservation was directed to central Puget Sound. Most Urban Wildlife funds used to purchase land or obtain conservation easements in central Puget Sound was managed by the Washington Department of Natural Resources, with smaller amounts of funding being directed to the Washington Department of Fish and Wildlife and Clover Park Technical College.

7.2.3 Riparian Protection

RCO offers grants for land acquisition of riparian areas to state and local government agencies, tribal governments, and nonprofits. Local agencies, tribal governments, and nonprofits are required to match 50% of funds received, but state agencies have no matching requirements. All Riparian Protection RCO grants used to purchase land in central Puget Sound have been managed by the WA Department of Natural Resources, totaling \$3.9 million.

7.2.4 Natural Areas

Only state agencies are eligible to receive funding through the Natural Areas RCO grant.¹⁷³ State agencies applying for these grants must complete habitat conservation plans. Natural areas grants must be used primarily for resource preservation, with limited public access.¹⁷⁴ In central Puget Sound, only the Department of Natural Resources has managed Natural Areas funding for land purchases, receiving \$3.3 million.

¹⁷¹ "Overview of State Lands Conservation Grant Programs," *Washington State Recreation and Conservation Office*, accessed April 20, 2015, http://rco.wa.gov/grants/uwh-cons_grants.shtml

¹⁷² "Urban Wildlife Habitat Conservation Grants," *Washington State Recreation and Conservation Office*, accessed April 18, 2015, http://rco.wa.gov/grants/uwh-cons_grants.shtml

¹⁷³ "Washington Wildlife and Recreation Program Natural Areas Category," *Washington State Recreation and Conservation Office*, accessed April 20, 2015, <http://www.rco.wa.gov/documents/manuals&forms/CheckLists/WWRP-NA.pdf>

¹⁷⁴ "Manual 10b: Habitat Conservation and Riparian Protection Accounts," *Washington State Recreation and Conservation Office*, p. 5, accessed April 20, 2015, http://www.rco.wa.gov/documents/manuals&forms/Manual_10b.pdf

7.2.5 Critical Habitat

Critical Habitat RCO grants are available to state agencies, local agencies, tribal governments, and special purpose districts.¹⁷⁵ In order to receive funding through the program, grantees must demonstrate that land acquisition would create or enhance wildlife habitat. However, it is not required that the species are endangered or threatened.¹⁷⁶ Although local agencies and tribal governments are eligible for funding, only the state Department of Fish and Wildlife and the Department of Natural Resources have received funding through this program since 1998, receiving a total of \$2.5 million.

7.2.6 Salmon State Projects

Salmon State Projects RCO funding is available to state agencies, local agencies, nonprofits, conservation districts, and private landowners. The fund can be used both for obtaining conservation easements and for purchasing land, if it can be demonstrated that land conservation would benefit state salmon populations.

In central Puget Sound, King County, Snohomish County, Forterra, the Nature Conservancy, and the Nisqually Land Trust have received Salmon State Projects funding since 1998 for land conservation, totaling \$6 million.

7.2.7 Puget Sound Acquisition and Restoration Program

The Recreation and Conservation Office and the Puget Sound Partnership manage the Puget Sound Acquisition and Restoration (PSAR) program together.¹⁷⁷ Projects are primarily selected based for salmon recovery goals at the watershed level.¹⁷⁸ \$4.9 million in PSAR grants has been distributed to nonprofits, local governments, and tribal governments, allowing for the purchase of nearly 200 acres of land.

7.2.8 Estuary and Salmon Restoration Program

Estuary and Salmon Restoration Program RCO funds are intended for the protection and enhancement of Puget Sound near-shore areas, and are available to local, state, and federal government agencies, tribal governments, and nonprofit organizations.¹⁷⁹ Although funding is available to a wide variety of groups, only the Bainbridge Island Land Trust has received funding (\$1 million) through this program for land acquisition since 1998.

¹⁷⁵ "Washington Wildlife and Recreation Program Critical Habitat Category," *Washington State Recreation and Conservation Office*, accessed April 20, 2015,

<http://www.rco.wa.gov/documents/manuals&forms/CheckLists/WWRP-CH.pdf>

¹⁷⁶ "Manual 10b: Habitat Conservation and Riparian Protection Accounts," *Washington State Recreation and Conservation Office*, p. 5, accessed April 20, 2015,

http://www.rco.wa.gov/documents/manuals&forms/Manual_18.pdf

¹⁷⁷ "Manual 10b: Habitat Conservation and Riparian Protection Accounts," *Washington State Recreation and Conservation Office*, p. 70, accessed April 20, 2015,

http://www.rco.wa.gov/documents/manuals&forms/Manual_18.pdf

¹⁷⁸ "PSAR: A regional solution to a regional problem," *Puget Sound Partnership*, accessed April 20, 2015,

http://www.psp.wa.gov/downloads/PSAR/PSAR_13-15_factsheet.pdf

¹⁷⁹ "Estuary and Salmon Restoration Program (ESRP)," *Washington State Recreation and Conservation Office*, accessed April 20, 2015, <http://www.rco.wa.gov/grants/esrp.shtml>

7.2.9 Outdoor Recreation Account

The RCO's Outdoor Recreation Account provides funding for parks, trails, and water access.¹⁸⁰ Unlike Natural Areas and Critical Habitat grants, funding from the Outdoor Recreation Account is primarily intended to improve public access to natural areas. The Outdoor Recreation Account only accounts for a small proportion of funding used for land purchases or conservation easements in central Puget Sound (\$260,000), which was managed by the State Parks and Recreation Commission.

7.2.10 Unspecified grants and appropriations

Unspecified grants and appropriations account for a large portion of Washington state funding flows for land conservation. As with federal unspecified grants and appropriations, requirements for receiving funding are not clear. Washington state grants and appropriations outside of RCO programs were highly diffuse, being directed to a large number of municipal governments. Washington's unspecified grants and appropriations totaled \$27.3 million between 1998 and 2013.

7.2.11 WA State Summary of Funding Flows, 1998-2013¹⁸¹

WA State Program	Eligible to receive funds	Requirements and restrictions	Total funding flows to central Puget Sound for land purchases and conservation easements
Aquatic Lands Enhancement Account	-State agencies -County and municipal governments -Tribal governments	-50% funding matching	\$1.6 million
Urban Wildlife	-State agencies -County and municipal governments -Tribal governments	-50% funding matching (except for state agencies)	\$16.9 million
Riparian Protection	-State agencies -County and municipal governments -Tribal governments	-50% funding matching (except for state agencies)	\$3.9 million
Natural Areas	-State agencies	-Must submit habitat conservation plan	\$3.3 million
Critical Habitat	-State agencies -County and municipal governments -Tribal governments -Special purpose districts	-Land acquisition must be for wildlife habitat	\$2.5 million
Salmon State Projects	-State agencies	Yes	\$6 million

¹⁸⁰ "Manual 10a: Outdoor Recreation Account," *Washington State Recreation and Conservation Office*, p. 3, accessed April 20, 2015, http://www.rco.wa.gov/documents/manuals&forms/Manual_10a.pdf

¹⁸¹ Data sourced from www.conservationalmanac.org.

	-County and municipal governments -Nonprofits -Private landowners		
Puget Sound Restoration and Acquisition Program	-Nonprofits -County and municipal governments -Tribal governments	-Land acquisition primarily based on salmon recovery goals	\$4.9 million
Estuary and Salmon Restoration Program	-Federal agencies -State agencies -County and municipal governments -Tribal governments -Nonprofits	-Lands must be in Puget Sound nearshore areas	\$1 million
Outdoor Recreation Account	-State agencies -County and municipal governments	-Lands must be open to public access	\$260,000
Unspecified grants and appropriations	Not specified	Not specified	\$27.3 million
Total			~ \$68 million

7.2.12 Direct WA spending

State agencies also purchase land and obtain conservation easements directly. In Washington, the Department of Natural Resources has directly spent \$910,000 and the Department of Fish and Wildlife has spent \$1.3 million on land purchases and conservation easements since 1998.

State funding flows and direct state agency spending total to \$70 million spent on land conservation in central Puget Sound.

7.3 KEY FINDINGS ON FEDERAL AND STATE FUNDING FOR LAND CONSERVATION IN CENTRAL PUGET SOUND

The preceding sections report funding flows and direct spending for land purchases and conservation easements in central Puget Sound. Implementation of the ROSS would also involve funding for other purposes, including stormwater management. Funding analysis is restricted to land purchases and conservation easements, however, primarily due to data availability.

The following are key findings on sources and recipients of federal and state funding for land conservation in central Puget Sound from 1998 to 2013:

- Washington state funding flows (~ \$68 million) were much larger than federal funding flows (~ \$35 million).
- Although RCO grants account for the majority of state funding flows for land conservation (60%), unspecified grants and appropriations were also significant (40%). State unspecified grants and appropriations were diffuse, with a large number of municipal governments receiving small grants.

- Some federal and state funding sources were rarely accessed and used in central Puget Sound for land purchases or conservation easements, including the USFS Forest Legacy Program, USFS Land and Water Conservation Fund, RCO Aquatic Lands Enhancement Account, and RCO Estuary and Salmon Restoration Account. It is not clear if these funding sources were underutilized by local governments, tribal governments, and nonprofits in the region, or if the funding available from these programs was more limited than funding from other sources.
- Nonprofits received comparatively small funding flows for land conservation (5.6% of federal funding flows and 3.9% of state funding flows).
- The proportion of funding for land conservation in central Puget Sound spent directly by federal and state agencies is small compared to the proportion of funding flows granted to local governments, tribal governments, and nonprofits.

All of the federal and state funding sources presented in the preceding sections still exist. However, it is difficult to predict whether or not trends from 1998 to 2013 will continue, or if federal and state funding for land conservation in the region will differ greatly in the future. As discussed in the conclusion of this paper, the trajectory of funding for land conservation in the region is a promising area for further research.

8 POLICY ALTERNATIVES FOR IMPLEMENTING THE REGIONAL OPEN SPACE STRATEGY

Determining the best governance structure for ROSS largely depends on what the primary goals of the organization will be. An organization that is primarily focused on producing Regional Open Space inventories or planning documents through collaborative processes may look very different than an organization who is primarily focused on implementing those plans. We identified 4 goals that seem to be critical elements of a successful ROSS organization: Open Space Conservation, Stakeholder Engagement, Financial Sustainability and Political Feasibility:

- **Open Space Conservation:** Conserving, enhancing and managing open space assets is at the heart of ROSS. However, most land use decisions require authorization from the local governments which have jurisdiction over them. Without authority, a future ROSS organization could still work to conserve privately owned open spaces and work to garner public support for policies and programs which support open spaces.
- **Stakeholder Engagement:** Reaching a broad and diverse set of stakeholders is key to the collaborative planning processes ROSS uses. ROSS must be able to interact with governments, businesses, and non-profits as well as members of the communities in which it works. Without broad engagement, ROSS strategies will not be truly representative. There may be trade-offs between the ability to convene larger institutional actors and being able to work with the public directly.
 - Sub Goal 1: Engage with local governments and agencies involved in management of open space systems.
 - Sub Goal 2: Engage with community organizations, watershed groups, and citizens.
- **Financial Sustainability:** The ability to access funds for administrative costs and programs is one of the largest constraints on the scope of activities that ROSS can pursue. A Public Agency may

have access to public monies such as State or Federal Grant pools, and in some instances may even be able to levy taxes or fees. On the other hand, Non-profit Organizations may have greater flexibility in how they carry out fundraising activities and may be more likely to have access to grants from foundations and private donations.

- **Political Feasibility:** Any alternative will require some buy-in from public agencies, especially those with authority over land-use and conservation decisions. To establish a public or quasi-public agency ROSS may face higher political and administrative hurdles. The ROSS governance and finance committee should be cognizant that some alternatives may not be feasible without significant support from the public, agencies, and political actors. The political support needed may look different depending on the alternative; the creation of ROSS as a committee or agency may require a higher level of initial support than other alternatives.

For the purposes of this report, we have taken a broad scope, considering a range of alternatives which are suitable for pursuing all objectives. We identified 3 alternatives and evaluated them across four goals which seem to be the most relevant to ROSS based on our discussions with Staff.

8.1 ALTERNATIVE ONE: ESTABLISH ROSS AS AN INDEPENDENT NON-PROFIT ADVOCACY COALITION

As a non-profit advocacy coalition, organized in a similar manner to Intertwine or the Chicago Wilderness Association (see Case Studies) ROSS would not have any authority, but could play an important role in convening stakeholders, sharing information and coordinating activities and resources. A key role that an advocacy coalition could play is providing a centralized monitoring and evaluation system which could both assist partnering organization in achieving their goals, and hold those who are not meeting collaboratively established targets accountable.

8.1.1 Open Space Conservation

An advocacy coalition would have limited ability to directly conserve open spaces, but could still be effective in achieving ROSS's conservation goals. Non-profits play an important role in convening stakeholders, creating collaborative decision making processes, and disseminating information about important issues. A Non-profit organization, unbound by regulatory or legislative constraints, may be able to more nimbly adapt to changing conditions, and may be able to deliver a broader, and more innovative set of programs. Non-profits are also able to act more quickly than public agencies and are able to mobilize conservation efforts when critical land becomes available. One especially large advantage a non-profit may have over public agencies is supporting conservation of open space on private lands. Public agencies are primarily concerned with the management of lands under their jurisdictions, and while they often are able to provide private landowners with incentives for conservation or green development, they are often unable, or unwilling to intervene directly.

8.1.2 Stakeholder Engagement:

Non-profits may be able to engage a more diverse set of stakeholder's collaboration than public agencies due to their ability to allow equal participation in the deliberative process. Were public agencies most usually can only incorporate public participation through comment periods or testimony, non-profits can formulate their decision making bodies in much more inclusive ways. Alliances such as Intertwine are able to bring organizations with similar initiatives together to increase efforts and pool funding for a specific project. As a backbone organization, ROSS can connect organizations and short-circuit the time and effort needed to build relationships by "vouching" for each organization.

However, a non-profit Regional Open Space Coalition would face threats to its legitimacy unless it can position itself as an exclusive forum for open space planning. Intertwine has done this by collaborating with a large number of stakeholders who acknowledge their position as a backbone organization. Additionally, Intertwine does not apply for grants itself, but instead only convenes organizations with similar interests together. This position allows Intertwine to maintain a non-threatening position as organizer. Legitimacy is also greatly increased through acknowledgement of the non-profit by stakeholders with a high level of authority, such as PSRC or regional governments. However, ROSS should be aware that this relationship may create suspicion from other stakeholders in regard to the agenda of ROSS. This threat can be minimized through a clear and independent decision making process and organizational structure.

8.1.3 Financial Sustainability:

While a full prospectus is outside of the scope of this project, it is completely feasible that an advocacy coalition dedicated to continued implementation of the Regional Open Space Strategy would be able to secure financial support for operations from foundations and private donors. While many of the public funds available for conservation activities are only available to local and state agencies, some funding is available to non-profits if a match is provided. A non-profit which works closely with a public agency may also benefit from institutional support such as office space or dedicated staff support.

Alternatively, ROSS may choose to elicit dues to fund administrative costs, while allowing member organizations to pool funds for individual initiatives. This is the funding structure used by Intertwine to lessen the disruption of funding streams, in the form of competition, for existing organizations. When considering these kinds of relationships, it is important to consider that smaller actors may not be able to contribute in the same ways or at the same levels, and steps should be taken to assure them that participation is not contingent on financial contribution. With enough influence, ROSS may be able to build relationships with conservation funders to create new funding streams to members. Similar to Intertwine, this type of coalition would not have direct authority over funding allocation, but may influence funding availability and partnerships.

8.1.4 Political Feasibility:

As the only alternative that does not require some form of authorization from a public agency, an advocacy coalition is the most feasible of the alternatives presented here. ROSS could pursue many of the activities of an advocacy coalition in its current form as a program of the UW Green Futures Lab. While there are concerns over the proliferation of 501(c)3 organizations, establishing ROSS as a non-profit independent of the University of Washington would afford it greater structural integrity as well as more flexibility in staffing choices, fundraising and program development. Another important element to consider is the formal relationship with authorizing organizations, such as local governments. In the Portland area, Metro pays membership dues to Intertwine and creates specific, although flexible, contracts with Intertwine annually. This relationship gives Intertwine authority and funding while maintaining a level of autonomy.

8.2 ALTERNATIVE TWO: EMBED ROSS WITHIN PSRC

The Puget Sound Regional Council is the premiere organization for transportation, growth management and economic development for the region. As the state recognized Metropolitan Planning Organization, PSRC is the primary facilitator of multi-county efforts to meet the requirements the Growth

Management Act, which, as mentioned above directs local governments to identify lands that are useful for public purposes and to identify open space corridors within the urban growth area that are useful for recreation, wildlife habitat, trails, and connection to critical areas.¹⁸² Vision 2040, PSRC's guiding document stresses the importance of creating a regional open space system, and even explicitly calls for the creation of a Regional Green Space Strategy in coordination with member jurisdictions, open-space agencies and interest groups.¹⁸³ Although PSRC's documents call for the creation of a Regional Green Space Strategy, no such strategy has ever been created or implemented by PSRC.

ROSS could pursue multiple strategies to become part of the PSRC. ROSS could simply present the completed Regional Open Space Strategies to the PSRC Growth Management Board and propose its adoption in place of, or as a supplement to the Regional Green Space Strategy. This may be appealing to PSRC as the integrated timeline as presented in the FY2016-2017 calls for all actions laid out in Vision 2040 to be complete and ready for review and adoption by 2020, before the next round of development of comprehensive plans for the counties begins. This presents a distinct policy window in which both ROSS and PSRC could meet their mutually aligned objectives.

The Comprehensive Plans are mandated to be updated every seven years by the Growth Management Act, and PSRC currently lacks a dedicated body for Open Space Planning. Under the right circumstances, the ROSS processes and structures could be embedded within PSRC either as a sub-committee dedicated to open-space preservation or as a policy board. This arrangement could bring several benefits to both ROSS and PSRC. ROSS could gain legitimacy and voice as part of PSRC's established structure and the authority granted to it by the state. However, there are some risks that ROSS would have to compete for resources and agenda space in an organization that has primarily been focused on transportation.

8.2.1 Open Space Conservation:

While PSRC is not directly involved in conservation activities, they do have significant power in influencing the development of the county's comprehensive plans, and regional open space planning efforts. The level of influence an embedded body within PSRC would have over conservation planning efforts is related to the level of institutional authority it is provided within the organization. If the Regional Open Space Strategy is adopted as a plan, it is likely to have elements incorporated into the county comprehensive plans, but there may or may not be resources available for the implementation. A sub-committee under the Regional Growth Management Board would have more ability to develop implementation strategies and advocate for priorities, but may be constrained by resource allocations and competition for agenda space. A full board would have the most influence, having the ability to make recommendations directly to the executive committee, but would still compete with the transportation and operations committee for agenda space. In the end, the body still only has authority to make recommendations, and provide information, to policy makers, not make policy itself.

8.2.2 Stakeholder Engagement:

PSRC's General Assembly includes all council and commission members from member jurisdiction. This includes King, Kitsap, Pierce, and Snohomish Counties, as well as 76 city and tribal governments. PSRC also includes transit agencies, statutory members from Port Authorities, the WA DOT, and the WA

¹⁸² RCW 36.70A.160

¹⁸³ Vision 2040, 43.

Transportation Commission as well as associate members representing special interests and actors from the surrounding areas. This list represents a significant portion of the regions decision-makers, meaning that ROSS would have at least some access to major elements of the authorizing environment. However, other organizations, such as community level organizations, neighborhood associations, and citizens groups who are integral to ROSS's collaborative planning processes do not have an avenue for formal participation within the decision making process. PSRC does have a Public Participation Plan, set in place to establish "consistent procedures to ensure people have reasonable opportunities to be involved in the regional planning process"¹⁸⁴ These opportunities include opportunities for public comment, public meetings and dissemination of proposals and alternatives. While this may provide meaningful opportunities for community members to engage in the planning process, theory suggests that token roles without real power sharing do not provide strong incentives for participation.

8.2.3 Financial Sustainability:

PSRC has a \$25.6 million proposed budget for FY2016-2017. The majority of these funds are from federal and state grants, and nearly all of them are earmarked for transportation planning and improvement projects. Public Funding would need to be identified and acquired in order to maintain open space planning programs. This may be difficult considering this may put ROSS in direct competition for resources with other stakeholders in the PSRC.

8.2.4 Political Feasibility:

Because ROSS's objectives in developing the Regional Open Space Strategy align with PSRCs Environmental and other Regional Growth Management Goals, and so far there is evidence to suggest that PSRC does not have the resources or institutional capacity to meet these goals, it is likely that the ROSS strategy itself would be well received given it meets the legal and regulatory constraints, as well as the requirements of the Public Participation Plan. However, establishing an Open Space Committee or Planning Board may require much greater buy-in, particularly if there are potential conflicts over resources. This alternative may also necessitate a softening up period to build support for the new committee or plan and implementation may face continual legal challenges from local authorities as has been the case with past transportation initiatives.

8.3 ALTERNATIVE THREE: CREATION OF A PUGET SOUND OPEN SPACE COUNCIL

Creating a new body with authority over land use and resource decisions in the Central Puget Sound would be the most effective alternative, but also the most ambitious undertaking. A Puget Sound Open Space Council that had a similar structure to PSRC, but tasked with implementing ROSS would require full support from county administrators, resource management agencies, and local governments. Taking the model one step further and creating a body with decision making authority would also need the support of the State Legislature and Governor.

8.3.1 Open Space Conservation:

A Puget Sound Open Space Council, developed as a partnership between public jurisdictions could perform all of the tasks of a board of the PSRC, but would have more ability to advocate for the inclusion of open space priorities during the comprehensive planning processes and identifying priorities for implementation. A partnership structured similarly to the Chesapeake Bay Partnership, focused more

¹⁸⁴ PSRC (2014). Public Participation Plan

broadly on open space conservation could also mobilize public resources for research, monitoring and evaluation to identify scientifically valid targets, and ensure that they are met. It should be noted, that despite great successes in the recovery of some species and improvement in many indicators, CPB has not been able to meet all of its conservation goals.

8.3.2 Stakeholder Engagement:

A regional open space council may have similar difficulties to a body embedded in the PSRC. Namely, that public agencies and jurisdictions would be likely to participate, but engaging with community level stakeholders would be more challenging. Additionally, smaller localities dependent on PSRC for the coordination of transportation planning, might not have adequate resources to support full participation in another regional partnership, especially if open space planning is not as high of a priority.

Conversely, as Smith notes, creation of a dedicated Open Space department is an important signaling device to demonstrate that open space conservation is both an administrative and financial priority of local governments, and found that county governments with open space offices were more likely to collaborate with other organizations than those that did not.¹⁸⁵

8.3.3 Financial Sustainability:

Identifying and securing sources of funding from sources outside of the region, such as federal funds allocated for EPA's Puget Sound Recovery Efforts, or funds from state grant programs funded through bond sales, would be one of the largest incentives for regional actors to form a Regional Open Space Council. However, these funds would need to be in addition to the \$7 million in average annual State and Federal funding for land purchases and conservation easements which are already flowing into the region as to not detract from current efforts.

8.3.4 Political Feasibility:

Perhaps the largest barrier to the establishment of a Regional Open Space Council, and possibly an insurmountable one, is the existence of an alternate forum in the Puget Sound Regional Council. Most of the large-scale partnerships reviewed in the literature, such as Metro or the Chesapeake Bay Partnership, and even PSRC itself, were predicated by decades of past efforts at coordination and collaboration and years of heightened public awareness and sometimes distress. In the short-term, unless open space conservation becomes an extremely salient public issue in the Central Puget Sound, formation of a Regional Open Space Council is highly unlikely. However, this may be a reasonable longer term goal, especially if the other alternatives provided here prove to be untenable.

9 CONCLUSIONS

There are several viable options for implementing the Regional Open Space Strategy, and ultimately the decision rests with the staff, members, and stakeholders of the ROSS process. Based on the timeframes of the Chesapeake Bay Program, Chicago Wilderness, Metro, and Intertwine, it is likely that implementation of any of these alternatives would require several years of effort. ROSS may at different points take on aspects of each alternative laid out above. Even if a dedicated Regional Open Space Council is the goal, being housed in and championed by an important public regional actor such as the Puget Sound Regional Council, or Puget Sound Partnership may provide the legitimacy and support

¹⁸⁵ Craig Smith, 17.

needed to gain the attention of the public and state legislators. Establishing ROSS as an independent 501(c)3, on the other hand, may be the best short term option to engage with community level stakeholders, and gain the resources needed to raise interest in regional strategy. Table 3 provides an overview of the strengths and weaknesses of each alternative individually.

Table 3 Strengths and weaknesses of Policy Alternatives

	Alternative One: Non-Profit Advocacy Coalition	Alternative Two: Embed ROSS within in PSRC	Alternative Three: Creation of a Puget Sound Open Space Council
Open Space Conservation	Indirect	Indirect/Direct	Direct
Community Engagement	High	Medium	Low
Direct Authority	Low	Medium	High
Financial Sustainability	Medium	Medium	High
Political Feasibility	High	Medium	Low

The strongest advantage for Alternative One (Non-Profit Advocacy Coalition) is high political feasibility. Since Alternative One does not require new legislation or authorization from a public agency, it is unlikely that the process of implementing the ROSS would be stalled for political reasons. The strongest disadvantage, however, is that a non-profit advocacy coalition would have little direct power for open space conservation. It is possible, as in the case of Chicago Wilderness, for a plan developed by a non-profit advocacy coalition to be adopted by an agency with regulatory authority, but it is difficult to assess how probable this situation would be with a central Puget Sound advocacy coalition and PSRC.

For Alternative Three (Creation of a Puget Sound Open Space Council), the strongest advantages are having direct authority over open space conservation, and having access to public funding. With consistent funding streams and authority over land use decisions, a Puget Sound Open Space Council could effectively coordinate conservation efforts across the region. However, the creation of a new Puget Sound Open Space Council may be too politically infeasible to be a realistic option. Without strong public backing or an event bringing public attention to open space conservation, it is unlikely that stakeholders and taxpayers would support the creation of an additional regional council.

The strength of Alternative Two (Embed ROSS within PSRC) is a balance of the extremes of Alternatives One and Three. ROSS embedded within PSRC could have some direct authority over land use decisions, and an addition to PSRC is more politically feasible than the creation of a separate council. It is plausible

that PSRC would welcome additional capacity for implementing the ROSS, since PSRC has not been able to create or implement its stated goal of a Regional Green Space Strategy. The possibility of increased competition for funding, however, may cause some resistance to this alternative within PSRC.

In the short term, we can offer three recommendations that will help ROSS in the pursuit of any of the alternatives we have proposed:

1. Set clear boundaries for what ROSS hopes to achieve. ROSS's leadership must help set the agenda of what the vision, goals, and objectives of the organization will be and identify clear indicators of progress. ROSS should apply its expertise in collaborative planning internally as well as externally to determine priorities of participants who are already invested in the project.
2. Small victories build confidence in the collaborative process. Build on what ROSS has already accomplished to take a few small steps towards the goals that have been collectively agreed upon.
3. Invest heavily in public awareness. Public agencies and decision makers are the most effective actors for conserving open space and establishing regional partnerships. Each of the public partnerships we examined were predicated by a period of enhanced public concern about the issue. People in the Puget Sound love their landscape's dearly, and making the benefits of a Regional Open Space System known will provide the impetus for further action.

Areas for future research include alternative methods for funding land conservation, such as legislation for creating Watershed Investment Districts. In addition, future research could study likely future levels of federal and state funding flows for land conservation in the Central Puget Sound.

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