

THE WESTERN WATER POLICY REVIEW ADVISORY COMMISSION: AN OPPORTUNITY NOT TO BE LOST

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FOREWORD:

“From the time of George Washington the American political system has struggled over whether management and administration of natural resources should be made at the national level, or at the state, regional, or local level. A graduate seminar at Cornell University in 1996 shows that centralized federal efforts to plan for water and resources have not succeeded, but the benefits of comprehensive planning and management can be successfully merged into the ‘real world’ of federal decision making without major changes.

Most proposals to modify how the U.S. government makes water resources decisions are unrealistic. Most water and related resource decisions are made at the state, local, and regional levels of government. It is proposed that these current decision making and allocation systems continue, but that a modest staff in the Executive Branch provide a communications and coordination network to assist decision makers at all levels of government. In this way, the benefits from past comprehensive efforts at water resources policy can be provided to decision makers without creating centralized federal governance. We seek your views and input about our conclusions, and about the proposed system for making water resources decisions.”
<<<http://www.cee.cornell.edu/~water/>>>

In his excellent and comprehensive introduction to this issue of *Update*, Warren Viessman has given us the charge to look to the future using what we have learned from the past. The Western Water Policy Review Advisory Commission (WWPRAC or the Commission) provides an opportunity that should not be wasted as we seek to remedy key mismanagement aspects, applicable to western and national water policy, to which he directs us. In his introduction Warren advises:

“it is not the physical limit of the water resource that presents the challenge to society, rather it is

transitioning to policies and management modes that fit today's, not yesterday's, needs.”

The work of WWPRAC follows these sentiments. Its analysis and recommendations follow two related major thrusts - sustainability and governance. These are applied to Native American issues, and to many management and operational topics. Adaptive planning is urged with its emphasis on the use of the best current science, monitoring and having the capacity to respond to what is learned since every project is an opportunity to increase our understanding of what sustainability really means. Budgeting for the planning process to extend well past the usual implementation and into the operational phases of a project and then for remediation poses some of the many challenges to our existing governance capacity. In its customary report our graduate Water Policy Seminar at Cornell provides constructive criticism for many other topics addressed by the commission. We will suggest some elaborations of the Commission's recommendations at three levels of that governance capacity - federal, interstate basins and multi-local jurisdiction watersheds. First, we suggest several fundamental premises for the consideration of governance.

SEVERAL FUNDAMENTAL PREMISES

“Why can't we make up our minds?” The conclusion of the “Watershed Management” report prepared for the WWPRAC suggests several explanations. Most fundamental is that the nation has been unable to develop one effective form of institutional arrangement for the control of regional or national water resources. It is not due to a lack of interest; there has been strong scholarly attention and intergovernmental experimentation. Yet few river basins of the country possess institutional arrangements widely perceived to be innovative or even very effective. The report goes on to say that it is easy to blame factors that promote narrow and short-sighted thinking: “the reality is that the fragmentation of institutions is inevitable in a nation that

embraces decentralized government and diffused power, and that encourages individuals, interest groups, and even agencies to pursue different objectives derivative of distinct ideological perspectives and self interest. Given this uniquely American "playing field" upon which regional water institutions must evolve, it is clear that expectations frequently placed on these institutions are unrealistically high."

A second fundamental aspect requires an assessment of the 'real world', the world of power and authority. Jefferson's Secretary of the Treasury, Albert Gallatin, had said "the allocation of projects and resources could best be left to the debate on the floor of the Congress." His views prevailed then in the early nineteenth century, and they still prevail as demonstrated in the recent appropriations for transportation investments. Congress has used this role in the development of the nation and in the satisfaction of its needs. The Federal role has grown like topsy. Yet this is a familiar role and despite growing conflict, such as the increasingly important environmental concerns in water projects, it is not easily replaced. Nor has it been. Those who believe that logic and neatness and simple institutional change can change the 'real world' lack understanding that Congress needs and thus DESIRES the present arrangement. The task in seeking change is to find out how to integrate that change into the 'real world' institutional formulae. This is what our governance proposals built upon the Commission's analysis seek to do.

A third fundamental theme comes from the last director of the Water Resources Council. In 1980 Leo Eisel said:

"Most everyone today agrees that unified river basin planning and management is a good idea and makes economic, environmental and engineering sense"... "we have the opportunity to learn from the past and make our planning and management relevant to the 'real world'..."

"What is this 'real world' to which our planning must conform?"

"It involves recognizing that states, and state water law will continue to be the main forces in the management and allocation of the nation's water resources."

"...that Congress will continue to authorize and fund projects separately by line item - a process not necessarily supportive of unified river basin management..."

"...that members of regional entities...or agencies of...government will continue to have reluctance to give up authority for decision making...for resolving conflicting demands for scarce resources..."

"Despite these limitations of the 'real world'...I believe the demand for...planning of water resources...will continue to increase..."

"It simply makes too much sense in this day of scarce resources, increasing competition for later, and increasing environmental concern to not look at the consequences before we undertake a management decision..."

"I propose...we accept the world as it is with regard to water resources...make necessary changes in our notion of planning...recognize existing constraints rather than attempting to make these institutions fit our notion of planning."

A fourth response comes from a state leader from Pennsylvania, saying, "...I see our water future...(not as) a simple devolution of responsibilities to state and local government, nor as an assumption of authority by the federal government. National water policy and effective water management must evolve from a partnership for action in which the states, regional agencies, and the national government have a continuing role." To that we would add the growing importance of governance capacity at the local level - the watershed level in the Commission's view of the governance problem. If the federal agencies and their 'client' state agencies can't be coordinated from above perhaps it is time to consider coordinating them from below, indeed that may be much of what happens now.

A DISCUSSION: WWPRAC IN THE CONTEXT OF THE NATION'S EXPERIENCE WITH SIMILAR REVIEWS

The United States under its federal system has for ninety years tried to establish a governmental organization and process to assist in the systems management of its water and related resources. The word assist should be intended to mean just that; to aid and not control. For many, but not all, the proposed process assistance was to be sought in strengthening cooperation and coordination of water management among federal agencies and between them and state and local governments, later to include the tribal governments. Such processes are required to respect and operate within the existing framework of eastern riparian law, western prior appropriation doctrine, and state, federal, local and court defined laws.

Since the demise of the Water Resources Planning Act in 1981 we have examined over thirty legislative proposals to replace, or more often, to modify that Act. They are for the most part as complex as the original Planning Act,

are micro-management in design, and are likely to produce the same institutional and competitive difficulties among the Congress, the President's Executive Office, and the federal agencies and the states. 'Grid lock' follows from veto power, just enough to bring the process to a halt but not enough power to drive the process to any other conclusion. We suggest the only alternative is to create arrangements that facilitate an educational process that leads to a working consensus on what to try next and how to react to consequences that are unforeseen or unmitigated or uncompensated.

THE WATER POLICY MILIEU

Who worries about water policies for all of us, and where is this concern centered? The United States has one federal government and it plays an important role in water regulation and water development. At the national level, thirty-four federal agencies in ten cabinet departments, eleven independent federal agencies plus four agencies in the Executive Office of the President, and the federal courts currently carry some responsibility for water projects. In the 102nd Congress, there were 14 House committees with 102 subcommittees, plus 13 Senate committees with 82 subcommittees, exercising responsibility over some aspect of water resources.

As for the States, there are fifty states with about 600 departments that are involved with water matters. We have not touched on the role of the state courts or on the activities of the federal agencies that control, operate and manage billions of dollars of public investments in water projects throughout the nation (e.g. inland water navigation channels and locks and dams, flood control walls and levees, irrigation reservoirs, hydro-electric power plants, recreation lakes).

There are more than 100,000 quite independent water entities serving the public. Of these, 58,530 are public water systems in local governments and otherwise that serve primarily residential areas (homes and factories), and provide much needed fire protection. The 1992 Census of Governments identifies 14,014 units of local government owning sewerage systems to protect against pollution and protect public health, and 14,654 units of local government owning water supply systems. Additionally, in 1992, 12,415 special district governments engaged in one or more aspects of water resource management.

As we enter the 21st century the nation is so diverse and its water problems so complex that any attempt to establish any governmental institution for central management as its orientation would be out of place.

What is needed is a process to assist and facilitate a loose, flexible management arrangement, determined in various ways to fit the various needs of the several regions (or water basins) of the country. Assisting the Congress is a particular challenge. A flexible arrangement will depend on state, regional, local and native American interests and their vocal publics taking on the responsibility to determine the management characteristics of water, land and related environmental resources that play direct roles in their lives and in the lives of their future generations. Such changes are consistent with the trend in the history of reform proposals to move toward increasingly open processes and away from closed, expert driven arrangements. Inherently it is a slow process, with activist citizens ahead of reluctant gatekeepers in the changing system.

It took twenty years from 1900 to 1920 for President Theodore Roosevelt's concept of a National Water Commission to be born and then to be aborted. It took another fifteen years of Congressional leadership, between 1920 and 1935, working with individual agency programs before a new form of interagency-intergovernmental cooperation emerged that engaged many of the partners of the federal system in a cooperative program. Born out of the experience of the National Resources Committee and the National Resources Planning Board, beginning in 1935 and extended in 1943 to a Federal Interagency River Basin Committee, the FIARBC organized and fostered a half-dozen regional river basin committees and several basin-wide technical field committees. This experience lasted 30 years and effected improved cooperation and coordination not achieved in the previous half century, nor much improved upon since. This thirty years of interagency experience was replaced by the Water Resources Planning Act of 1965, the result of a 1960 Senate sponsored study by the Select Committee on National Water Resources. That act was built around the core of the interagency committee idea but with more direct responsibilities. In practice it came into conflict with Congressional authority (planning and project selection), with OMB authority (budget and program authority of the Office of the President), with state water agencies (economic and environmental evaluation processes), and in the preparation of Comprehensive, Coordinated, Joint Plans (CCJPs) (under federal financing, orientation and direction), that were no longer reflective of the values and needs of the American public.

Regional institutions are not uncommon in the United States. Regional boards made great contributions to the excellent work of the National Resources Committee, later the National Resources Planning Board of the 1930s. Water pollution problems of the 1930s and in

subsequent years produced regional boards of engineers in the Great Lakes, the Upper Mississippi, the Missouri, and Pacific Northwest watersheds. Regional interstate water compacts are in common use. In 1978, too little too late, the Water Resources Council proposed to extend the recognition and inclusion of regional basin institutions based on and designed by regional interests to other parts of the nation apart from those that followed the design in Title II of the Water Resources Planning Act. Myopic focus on just one form of basin arrangement reduced the support base for the Act. To facilitate the development of such wider linkages they contracted with us at Cornell University (Dworsky and Allee) to write a manual on regional water resources institutions. Such a manual was prepared and distributed as a formal publication of the Council.

While the 1965 Water Resources Planning Act brought into being a newly designed, more fully shared federal-state program, one that might have led to consensus with time, it was experimental and threatened existing government structure. The experiment lasted until 1981 when it fell afoul of philosophical differences abroad in the nation. It is unfortunate that during this 16 year period the nation lost touch with the former interagency committee process, and no other vehicle, with one exception, has been adopted with the objective of providing guidance for achieving national sharing and comity among competing water and related interests within the federal system. The one exception is the expansion by the Congress through the US Environmental Protection Agency of the concept of the water quality enforcement conference. Never called upon to be a fully active participant in most of the above basin planning ventures, nor in any significant planning until ordered by the courts to do so, well into the implementation of the provisions of its 1972 organic act (Muskie's PL 92-500), it is noteworthy that by the 1980s water quality planning for the Chesapeake Bay was leading a new look in bringing together federal, state and local interests. This was copied in many other locations, providing the basis for the evolution of 'place based' and 'community driven' reinvention of environmental management philosophies and to get away from 'one size fits all.' Thus modest coordination and integration of water development with water quality management has come about. All of these occurred within the 'real world' of the Congress that has been described, and needs better understanding.

The goal of the National Water Commission in 1917 was the development of plans to use the full capacity of the rivers for the benefit of the nation. Such planning is still important. But Comprehensive Coordinated Joint Plans (CCJPs) by river basins of the kind sought generally

under the 1917 Commission or under the Water Resources Planning Act 60 years later are no longer the goals they once were. The Congress never accepted ownership for such plans. Their main hope was to reduce conflict over proposed projects, conflict that the Congress was not prepared to resolve. The issues that confront the states individually and the nation collectively are much changed from 1965, particularly considering the impact of the environmental movement. The capacity of the members of the federal system have matured in water and resource management. The greatest change has been in the empowerment of the multiple publics in the determination of goals and values, and even in the implementation roles that were once the province of technical expertise. Empowerment of multiple publics has caused new issues in consensus building. Negotiation, time and patience have become meaningful words in the new arrangements.

The WWPRAC provides another opportunity for the nation, after a hiatus of 16 years in the realm of water development projects, either to try some other experiment or to return to the simplest, least complicated cooperative arrangement that can be visualized, for instance the interagency committee.

THE WWPRAC - A "NEW" PROPOSAL FOR A REGIONAL STATE-FEDERAL-LOCAL INTERAGENCY GENERAL PURPOSE COORDINATION INSTITUTION

Under the Western Water Policy Review Act of 1992, Congress directed the President to undertake a comprehensive review of federal activities in the nineteen western states which directly or indirectly affect the allocation and use of water resources - whether surface or sub-surface - and to submit a report of findings and recommendations to the Congressional committees having jurisdiction over federal water programs. The Commission is composed of ten members appointed by the President (including the Secretaries of the Interior and the Army) and twelve members of Congress serving ex officio by virtue of being the Chairmen and ranking minority members of six Congressional committees and subcommittees. The Commission was to perform a two-year comprehensive review of the coordination of federal and local water policy objectives. The legislation noted that at least fourteen federal agencies have water-related responsibilities, resulting in "unclear goals and an inefficient handling of the Nation's water policy." Also noted were the conflicts between competing goals and objectives of federal, state and local agencies and private users are particularly acute in the nineteen western

states. In particular, Congress noted that the federal government recognizes its "trust responsibilities to protect Indian water rights and to assist tribes in the wise use of water resources."

As part of its investigations WWPRAC commissioned a special report from a consulting group whose members had former experience in the Office of Management and Budget (OMB). Section IV of that report, Improving Program and Budget Coordination was concerned with improving the output of the federal water budget. To achieve this end, the report considered five alternatives to strengthen coordination of federal activities at the regional level directed to budget matters.

In a summary of the alternatives, the report concluded:

- Alternative 1 (OMB coordination) is not recommended because it would add a new layer of workload to OMB and it is likely to be opposed by OMB.
- Alternative 2 (department-led coordination) unacceptable to the other departments.
- Alternative 3 (a permanent presidential commission) probably will be opposed by the Administration as an intrusion into the President's and Executive Branch prerogatives.
- Alternative 4 (regional interagency groups) is an easy step to take, and may be the alternative most acceptable to all federal departments as a next step.
- Alternative 5 (interstate compacts) will take the most time, but it may be the alternative most likely to produce long term coordination of all water programs at all levels of government - federal, state and local.

Alternatives 1, 2 and 4 are possible under current law. Alternatives 3 and 5 require authorizing legislation.

Alternative 4 addressed strengthening interagency budget coordination. The arguments suggested in favor of this alternative were:

- Most acceptable to most departments.
- Requires no change in law.
- Discussion without decision-making power gives the department head confidence that efforts have been taken to eliminate duplication.
- Interagency meetings would provide a forum for discussing projects and the potential impacts on others.

- This could be a first step toward a more powerful coordinating operation if it fails to produce desired coordination and that failure generates understanding and support to create such power.

Under the heading of "Coordination of Federal Water Policy," the WWPRAC recommends, in Chapter 6, that "...The Commission believes that functioning river basin forums can play the major role in shaping, coordinating, and implementing federal policy at the regional level. However, we believe that there remains a need for national coordination of water policy and programs... At a time when our federal resource policies are in such rapid transition, it is remarkable that there is no regular forum for discussion of these issues by involved federal officials." It also urges watershed organizing at the multi-local jurisdiction level based upon the report cited above. The challenge is to fill out the details (where the devil is known to dwell) for increased governance capacity at each of these three levels.

THE NEW PROPOSAL

Our new proposal presents the framework for a broadly based intergovernmental regional coordinating institution for water and related natural and environmental resources including, but necessarily more inclusive than budgetary matters. While the budget may be the most meaningful planning document to interact with the 'real world' of the Congress, it must be backed up by more extensive interest accommodation and public education steps at the multi-state basin level. Otherwise it will just transfer the focus of the conflict to the Congress with the likely result of continued 'grid lock'. The objective of the proposed institution would be to assist in regional policy formulation, agenda building and implementation of regional goals, bounded by existing, revised or new state and federal authority within broad constitutional guidelines. While we visualize these basin level arrangements as the most critical step supported by a national forum process and more widely available local forum arrangements, we do not visualize a 'nested' system in a 'command and control' sense. The practical test is the freedom at each level to lobby with its respective Congressional delegation at any time it deems it necessary. Any other concept is not consistent with assisting the Congress.

The essential characteristics of this elaborated 'new' proposal for basin and national level arrangements are presented here based upon more detailed notes prepared by us for the Commission. Sections of those notes on the evolution of the proposal and documentation of the thirty years of experience related to the proposal are also

available from the authors on request.

ESSENTIAL CHARACTERISTICS: REGIONAL ENTITY RESPONSIBILITIES

The specifications for a regional entity considered in Alternative 4 of the report to the Commission and the Commission's final report (Chapter 6) are consistent with the specifications contained in this proposal. A process is suggested that allows any existing basin arrangements to review the opportunity for them to meet the specifications required through sponsorship and partnership with any new national arrangements. Additional overarching responsibilities contained in the new proposal, but not limited to them, are:

- dispute resolution;
- identification of regional problems and issues;
- formulation of agenda representing region problems;
- communication of regional needs to decision makers, including the federal water resource entity for advising on national agenda needs;
- cooperation in the development of national, periodic water assessments;
- provide regional representation, participation and sharing to the federal entity on matters relating to policy clarification, consolidation or reconciliation
- support for local intergovernmental watershed organizing.

Annexes have been prepared to provide additional comments about the functions and implementational language we suggest for the proposed institutional structures. They are also available on request.

A national organization may be termed "Advisory Commission on National Water Resources".

Regional forums should be designed primarily in accord with regional desires of the States concerned, on the basis of hydrologic systems, defined ecosystems, or on some other basis. Many organizational arrangements will serve as a starting point. Experience has shown that Interagency Committees provide a workable option and may give rise to the least opposition.

Watershed organizations should bring together a) interested citizens, especially those already organized locally on some other geographic logic by relevant stakeholder interests, b) local governments, especially those agencies that relate to user services, land use and other aspects of water management, and c) the relevant local representatives of federal and state agencies. As the Commission's study and our research shows, the diversity of workable arrangements at this level is wide. It is only

limited by the imaginations and leadership of the local organizers dealing with their conception of local realities to achieve working consensus. Any federal or client state agency should be encouraged to provide assistance in the formation of such local governance enhancement. We will comment upon the research and assistance challenges at this level below.

These structures have six objectives:

(1) to provide information and to advise governments so that the full implications of possible policies are examined and information can be processed into wisdom from which the public and policy makers can make decisions;

(2) to define problems and issues and recommend action agendas to serve the publics within the several regions of the nation, based on regional findings by regional entities of regional needs, broader and more comprehensive than otherwise due to the diversity of representation and water system focus thus giving greater consideration to national goals, policies and activities established by proper authority;

(3) similarly to define opportunities and issues, recommend action agendas to serve the local level based upon local findings by local entities of local needs, broader and more comprehensive than otherwise due to the diversity of representation and water system focus thus giving greater consideration to national goals, policies and activities established by proper authority, and being better informed providing a greater likelihood of more effective coalition building at the basin level;

(4) to establish a 'chain of communication' thereby reflecting both bottom-up and top-down approaches among the several regions of the nation and a national water advisory entity to facilitate policy and agenda implementation;

(5) to recognize and to responsibly act in conformance with the allocation of functions between the States and the Federal Government that may be established by custom, by constitutional provisions, by statute, by court determinations, or by other means approved by proper authority from time to time; and

(6) to respond to the urge for systemic planning by providing a process that educates and incubates issues and their resolution to facilitate the support for action when crises allow water to win a place on the

public action agenda.

Negotiation over the membership characteristics of the national and regional entities might well start with the model of the Advisory Commission on Intergovernmental Relations (ACIR) established by President Eisenhower in 1959. Membership includes Congressional and Executive Branch persons; city, county, metropolitan and state government legislative and executive persons; and public representatives. Comparable water resource related regional agencies should include state, other sub-state entities, and Native American governments. Congressional representation should be formalized at both levels. Indeed, serious consideration should be given to the national entity being primarily an advisory agency to the Congress. This would reduce its effectiveness to play an ombudsman role within the technical and administrative network of the agencies, but increase the ease for a more political ombudsman role. Both ombudsman roles have been important aspects of prior arrangements.

The wide sharing of water resource related problems and issues, the benefit of a modest amount of independent technical assistance and perhaps more flexible financial assistance, and the need to communicate and otherwise link the regional institutions to the federal processes requires some kind of linkage among federal and state agency representatives and others at both these levels among a fairly predictable set of actors. This new proposal provides this linkage.

DIFFERENCES FROM THE WATER RESOURCES PLANNING ACT OF 1965

Stated in a different way, we do not expect these policy and organizational proposals to result in a continuation of statutory and regulated procedures that conform to hierarchical institutional design concepts. Examples are between a Water Resource Council, Title II River Basin Commissions or watershed organizations, or between the states, the Congress and the Executive offices of the President. But rather we expect results from changes in representation and structure, in processes and procedures best illustrated by words and action defined by the main themes of cooperation, decentralization, regional assessments determined at regional levels, communication, education, priority setting and related non-hierarchical modes; and resource priority identification, design of implementing processes that reflect improved service to consumers at various levels of the several governments, reflect regional differences and requirements of this large and diverse country, reflect the time needed to establish, incubate and execute new ideas through flexibility, education and concern for affected

interests, in lieu of closely specified micro-managed statutory and operating guides of past or existing agencies. There are marked differences between the concepts underlying the proposed "Advisory Commission on National Water Resources", and the defunct Water Resources Council of the Water Resources Planning Act of 1965. For example, there is no specific statutory and guidance structure provided in the new proposal for planning and management of river or regional-wide basin areas in contrast to the requirements for Title II Commissions, for Comprehensive, Coordinated Joint Plans for river basins (CCJPs), or for standardized guidance for plan and project formulation and evaluation.

There are no specific statutory procedures for the development, transmittal, and review of basin plans, or for the development of programs and projects for the President for transmittal to the Congress apart from those arrangements that exist and that we have termed 'the real world' of Congress, the President's Executive Office (particularly OMB), the Federal Departments and the States and into which our proposals have been designed to fit. At the same time, the proposal is structured to serve all parts of the government whenever new or special Congressional - Executive tasks or management arrangements are mutually desired (such as a comprehensive basin-wide or regional plan like the Missouri Basin Development Program or the South-East River Basins study of earlier decades).

LESSONS FROM THE PAST

There are, however, values that resulted from the Water Resources Planning Act that we suggest be continued with adjustments.

A National Water Resources Assessment process is essential. The provision of well designed information about the country's water resources and water-related institutions are necessary to decision-makers at all levels. The opportunity to debate new needs, including institutional evolution, that could be included in the process promises to educate many as to the interests of under represented in existing data collection and monitoring. Facilitating the move to a workable understanding of sustainability will require such flexible monitoring and evaluation.

An evaluation process using, as needed, commonly accepted principles and standards by all concerned, federal agencies, states and the public generally, will contribute to a sense of community among those in conflict over project and program goals. What is not suggested is a counterpart to the complex cook-book type guide of the Water Resources Council. Instead, the

forums provided at each level (watershed, basin and national), should offer support in judging the implications of evaluations of plans and projects that catch public attention perhaps because the impacts and feasible options are uncertain. Such a process is consistent with the adaptive planning concept stressed by the Commission and needed to evolve to workable definitions of sustainability. The point is not to seek uniformity in execution so much as to enhance the debate that is inevitably structured around what ever evaluation and planning methodology is used by the proposing agency. The need is not to find the best plan methodology, but to turn it into a learning and bargaining process.

Sharing the cost of proposed structures, or sharing the cost of strengthening state water related programs beyond those already shared by the EPA, needs to be reconsidered. The grants in support of States under the Water Resources Planning Act and the benefits derived from that program provide a basis for negotiation.

We are not merely giving lip service to the primary role of the states and their subdivisions in determining how the waters of the nation are to be managed. While we recognize this role, it is clear that a bottom-up approach has little meaning unless there is an entity that can integrate the needs, findings, and recommendations of this upward flow into the 'real world' system at the national level; involving the Congress, the Executive Branch agencies and the Executive Office of the President. The importance of the planning process to improve understanding of options, trade-offs and consequences must be stressed. Studies where a wide range of stakeholders are included provide the opportunity for mutual understanding to be developed, win/win proposals to be identified, and in general incubate the better policy options that responses to most crises seem to lack.

PUTTING MORE EMPHASIS ON LOCAL WATERSHED ORGANIZING - IS IT EVOLUTIONARY?

Water issues are local issues. And if all politics are local then more attention is needed to the process by which coordination is enhanced by greater local governance capacity. Projects have come to local supporters that were able to be persistent and effective in their support. When conflict erupts, the local capacity to accommodate and find consensus is tested. Much, if not most, of the effective coordination of the federal and state agencies that occurs may be facilitated by this organization. However true this may have been in the past, the increasing fragmentation of the system suggests it is a

hope for coordination in the future and should be taken more seriously now. It is a Commission conclusion that, for the western states studied, federal agencies have played instrumental roles in the growth of watershed organizations. In the twelve cases used as models, federal agencies were usually members of the local level organization. In most cases this was a reflection of their role as substantial landowners and managers in the watershed. It also provided access to the various stakeholders in their decisions about water issues. In particular the funds for independent staff for watershed organizations were found through federal programs.

Partnerships, such as those in watershed organizing, arrange themselves along a continuum reflecting the degree of institutionalization and differentiation. We are just beginning to understand how such partnerships grow along that continuum and more research is needed. A strong hypothesis is that it is not possible to 'leap frog' from the very informal information network stage to the stage of full multi-community collaboration. A number of likely preconditions for success have been identified and these may provide the basis for improved guidance for assistance in the evolution of local governance capacity. But research and experimentation is needed to understand how they apply to local watershed organizing.

Cigler (1992b) has reviewed the literature in eight branches of social science concerned with local inter-governmental cooperation. This guided the examination of over 100 cases and involved a variety of policy and service areas. Her possible preconditions for success include that a disaster or crisis has occurred and is widely understood; there is a perception of fiscal stress in the communities; a political constituency for cooperation has been organized; state agencies, universities or professional associations provide support for capacity building steps, also local officials and recognized community leaders are involved early; existence of advantages in partnering for participating organizations is established early; policy entrepreneurs emerge to promote partnerships; there is early focus on viable and effective problem solving strategies; and assistance in the development of collaborative skill building is available for all those involved.

Most agency planning staffs should find it quite possible to amend their programs and staff to implement the achievement of these preconditions for success and assist in the evolution from networking to multicomunity collaboration. It is ironic that after every major water development agency added capacity and authority for small watershed projects in the 1950s, especially the "PL 566" program of the US Soil Conservation Service, we should now be seeking a revival of that interest. But

the need is very different. It is not to build a small federal project. But rather to build the capacity to lead to sustainability.

GETTING BACK ON TRACK

In our opinion, the 16 years under the Water Resources Planning Act of 1965 was a deviation from the normal historic processes followed by the Congress in the management of that part of the nation's water resources programs under their jurisdiction. Examination of the record has shown that Congress would have had to make changes in the way they managed water affairs if the processes under the Planning Act of 1965 were to be effective. As the last Director of the Water Resources Council Mr. Leo Eisel stated, if the Congress would not change their ways, it was incumbent upon all others to recognize and proceed under "real world" conditions. If it was clear what had to be done and how to do it, who was to pay, and all the rest, the nation could put someone in charge and turn to other matters of survival. But water resources are too important and complex for that - everyone who cares must be involved and more must be encouraged to care.

Many years ago, after the Henniker conference on National Water Policy, Frank Gregg wisely advised that time would be necessary to evolve a system to replace the Water Resources Planning Act. WE SUGGEST THAT TIME HAS COME.

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