

**Monitoring Program Structure
Agenda Item #09b**

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Approved by: David Dicks and Gerry O’Keefe

Presented by: Chris Townsend

Proposed Action: *Decision/Resolution*

Summary: The Puget Sound Partnership is required to “guide the implementation and coordination of a Puget Sound assessment and monitoring program” (Monitoring Program; RCW 90.71.060). Direction is needed regarding the governance structure of the program.

Background: The Monitoring Consortium in 2008 recommended two governance options for the Monitoring Program: one housed at the PSP and the other in an independent institute. The organizational structures and relationships in both options were very similar. The recommendation was that either model could work, provided that essential characteristics and functions were fulfilled: make decisions transparently, involve all interested parties, link science to management, take a strategic approach to monitoring, have stable funding, include mechanisms of accountability, select director with scientific credibility, identify processes to define and articulate needs for contracting.

The monitoring consortium debated the pros and cons of each governance model extensively. Their summary of the pros and cons is attached.

The Leadership Council was briefed on this issue and made a motion in May 2009 to defer a decision about shifting the Monitoring Program to an independent institute to June 2010 when it was anticipated that more specific information regarding need and functionality of an alternative structure would be available. More specific information on this subject has not been produced at this time.

During the 2010 legislative session, Representatives Rolfes and Upthegrove introduced a bill that would have allowed the PSP to establish nonprofit organizations. The bill did not move forward.

In a January 22, 2010 letter to Representatives Rolfes and Upthegrove, David Dicks stated that “at their July 2010 meeting, Leadership Council will revisit the issue of governance” and that “the Leadership Council’s deliberations will be informed by an evaluation of the Partnership’s efforts to develop a coordinated program at the Partnership and the implementation recommendations of the Puget Sound region’s stormwater monitoring work group”.

The Leadership Council was briefed on progress made toward implementation of a Monitoring Program at their June 17, 2010, meeting. Progress includes hiring a Monitoring Program Manager and establishing a Launch Committee to draft the framework to develop the Puget Sound Monitoring Program.

A multi-stakeholder Monitoring Program Launch Committee, staffed by the Puget Sound Partnership, was formed and convened for their first meeting on Wednesday July 21, 2010. The Launch Committee members (Table 1) are experts and community leaders that work at the science-policy interface, are well grounded in monitoring challenges and issues, and collectively offer multiple perspectives in terms of disciplines and organizations.

The Launch Committee will meet monthly for six to eight months. During that time, they will be asked to draft the charter for the Monitoring Program; make recommendations regarding the structure and composition of the program; and define roles and responsibilities for Partnership staff, Partnership leadership bodies and Monitoring Program leadership bodies. The Launch Committee will also be requested to propose a Monitoring Program accountability system that will create trust and transparency in the program and help ensure the integrity of reported results.

Analysis and Staff Recommendation: The pros and cons of a Partnership-based versus an independent institute-based Monitoring Program were debated at length at the Monitoring Consortium. At the heart of the issue are concerns that the proper mechanisms for ensuring accountability, transparency and stable funding are put in place, no matter where the program is housed.

1. Staff recommends that the Leadership Council defer making a decision about adopting an alternative Monitoring Program governance structure at an independent institute until more specific information about the need for and functionality of such an option is produced. At a minimum, this decision should be deferred until the Launch Committee is finished with their report. Staff recommends that the Leadership Council review the recommendations of the Launch Committee, once their report is complete, regarding the structure, roles, and operations of the program and whether those recommendations will likely fulfill the essential functions and parameters established by the Monitoring Consortium.

We recommend this option for the following reasons:

- a) The organizational framework at the Puget Sound Partnership already exists and it is more cost efficient to continue to use existing resources.
- b) Creating a new monitoring entity would not be popular with the legislature or the governor.

- c) A broad-based group of interested and affected parties with appropriate expertise (the Launch Committee) has been convened to develop a recommendation for a viable and broadly supported Monitoring Program.
 - d) The Puget Sound Partnership has the ability to convene and coordinate efforts.
 - e) The Partnership has applied for funding with EPA to develop and implement a Monitoring Program.
 - f) The Puget Sound Partnership is putting in place accountability mechanisms through performance management.
 - g) The Partnership is committed to flexibility in how the program gets developed to meet particular needs.
2. Staff recommends that the Leadership Council task the Launch Committee to review and refine the conceptual organizational framework in Figure 1 and recommend a charter by January 2011 based on the essential functions put forth by the Monitoring Consortium in 2008 including: accountability, transparency, science-policy linkages, involvement of all interested and affected parties, strategic approaches including Partnership indicators, stable funding, institutionalized relationships, and regulatory requirements. The charter should define the functions, roles, responsibilities, and relationships of various components.

Next Steps:

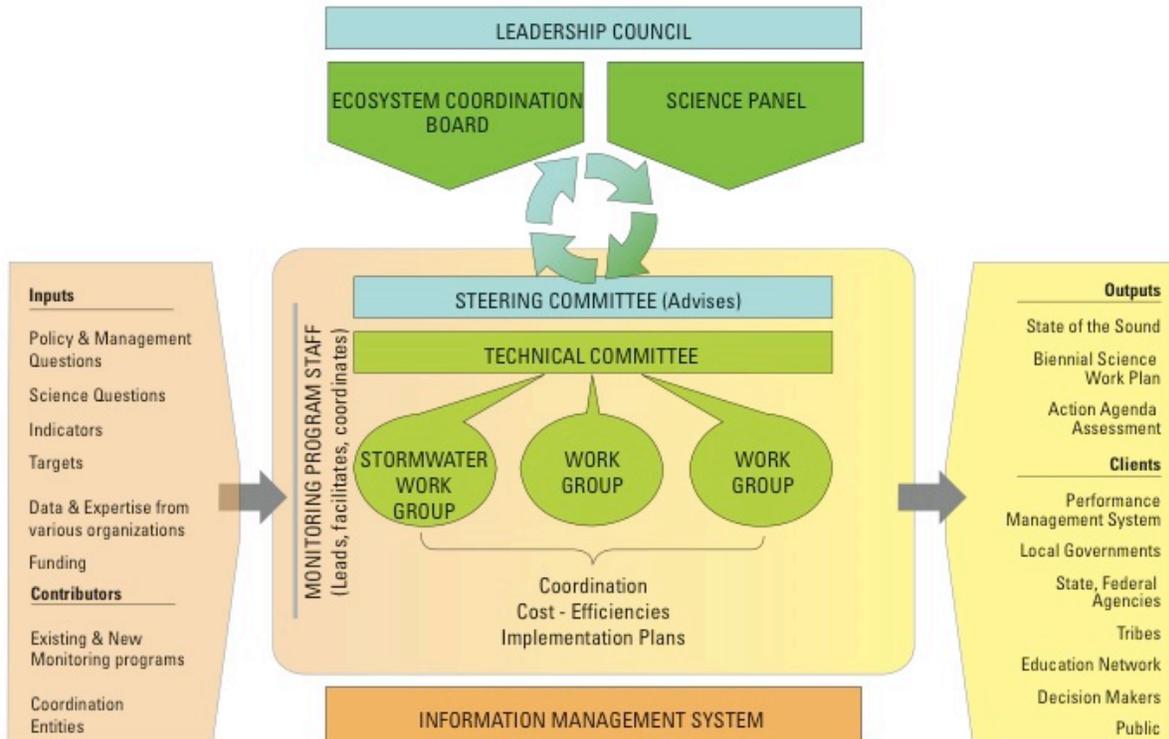
Continue to work closely with partners, the Science Panel, the Launch Committee, the Stormwater Work Group, and other organizations throughout the region to develop and implement the Monitoring Program.

Table 1. Launch Committee for the Coordinated Ecosystem Monitoring program in Puget Sound. July 21, 2010*.

Organization type	Organization	Name	Title
Local*	King County	Jim Simmonds	Supervisor, Water and Land Resources Division; Chair, Stormwater Work Group
	Seattle City Light	Scott Powell	Strategic Advisor
State	WDFW	Ken Warheit	Chief Scientist, Fish Program
	DNR	Tom Mumford	Aquatic's program senior consulting scientist
	ECY	Rob Duff	Program Manager, Environmental Assessment
State/federal	Washington Sea Grant	Kate Litle	Citizen science coordinator
Federal	EPA	Michael Cox	Toxics Coordinator Puget Sound and Columbia River
	NOAA	Bruce Crawford	Senior Monitoring Coordinator
	USGS	To be confirmed	To be confirmed
Tribes*	NWIFC	Terry Wright	Director, Fishery Programs
Environmental organization	People for Puget Sound	Dave Peeler	Director of Programs
Science Panel	UW	Jan Newton	Also, academia, PSNERP, PSAMP, NANOOS
Monitoring Forum	PSP	Bill Wilkerson	Also, Leadership Council
Business	Stoel Rives LLP	Lincoln Loehr	Paralegal

* We expect an additional local tribal perspective on the committee.

Figure 1. Draft proposed organizational structure of the Coordinated Ecosystem Monitoring Program



*Essential Functions and Characteristics of the Regional Monitoring and Assessment Program:
Arguments Favoring Each of Two Governance Model Options*

March 10, 2009

The Puget Sound Monitoring Consortium recently submitted to the Washington State Legislature and Puget Sound Partnership recommendations to establish and sustain a coordinated regional monitoring and assessment program for Puget Sound (“The Report of the Puget Sound Monitoring Consortium to the Washington State Legislature,” December 10, 2008). The Consortium presented two governance models, and recommended: “Before June 30, 2009, the Partnership should formally review the Consortium’s governance recommendations, and decide what governance structure will house the ecosystem recovery monitoring program and the key functions to coordinate, integrate, and manage a regional monitoring and assessment program as an element of the Partnership’s regional science program.”

Through the report Consortium members officially offered the perspective that either model, a state agency-based program housed at the Puget Sound Partnership or an independent, private institute, could work, provided that the program includes and performs eight essential characteristics and functions (see “The Report,” page 9). Many, but not all, members who represented local governments and environmental groups leaned toward the independent, private institute model because their primary interests are transparency, inclusiveness, trust, and credibility. Their arguments favoring that model are listed below in the right column. Representatives of state agencies who served on it did not take an official position, but appeared to lean toward the state agency-based model housed at the PSP because their priority interests are efficiency, cost-effectiveness, and ensuring that the PSP succeeds. Their arguments in favor of the state agency-based model are listed below in the left column. Consortium members representing federal agencies and business groups appeared to share many of the same interests as the others but were neutral about where the regional coordinated monitoring program should be located.

No official polling of the Consortium members has been conducted, nor have they requested that the organizations they represent formally and officially declare a position in favor of one model or the other. This might happen in time for the Leadership Council meeting in late May, but not in time for the Science Panel meeting on March 11, 2009. There are also Consortium members who believe the Consortium should not state a preference, but allow the Leadership Council to make its decision based on the entirety of the Consortium’s report and their own deliberations.

Here are the eight characteristics or functions that the Consortium stated must be elements of a regional monitoring program for it to succeed, and the arguments favoring each governance model.

1. Make decisions transparently for key stakeholders and the public.	
<p><i>Arguments favoring the state agency-based model:</i></p> <ul style="list-style-type: none"> ▪ As a new agency established with much fanfare, the Puget Sound Partnership’s decisions are receiving attention and scrutiny from the public and key stakeholders, and the agency has employed a variety of mechanisms to involve interested and affected parties in its decision-making. ▪ Creating another entity with a mission that the public may not distinguish from the Partnership’s could dilute the focus on the Partnership’s work and create a public perception that there is duplication of effort and waste of resources in cleaning up Puget Sound. Messages to the public about the challenges ahead could be more difficult to craft, coordinate, and consistently communicate. (Note: Consortium members recognize that because other monitoring activities will still be 	<p><i>Arguments favoring the private institute model:</i></p> <ul style="list-style-type: none"> ▪ Involving interested and affected parties (i.e. those with monitoring expertise, responsibilities, and funding as well as others who are interested or impacted) and providing them with equitable authority and responsibility will engender greater trust among them, improve the quality of decisions, and be an incentive for them to work together to implement their decisions. With more parties involved in making and implementing decisions, those decisions—and the process by which they were made—will also be more accurately understood and efficiently communicated. ▪ An organization independent of any government or special interest group may attract more public visibility and scrutiny, thus making its decisions and actions more transparent and credible to citizens.

<p>conducted by jurisdictions and organizations after the establishment of a regional coordinated monitoring program, there may linger public perceptions of duplication and waste regardless of where the program is housed. A strategic, concerted effort must be made to demonstrate to the public the need for the various types of monitoring, and that jurisdictions and agencies are not duplicating each others' efforts.)</p>	
<p>2. Involve all interested and affected parties at both management and technical levels. Institutionally formalize representation of local, state and federal agencies, tribes, businesses, ports, private entities, and NGOs that conduct or have an interest in the work of the program.</p>	
<p><i>Arguments favoring the state agency-based model:</i></p> <ul style="list-style-type: none"> ▪ Because the organizational framework already exists, it will be more efficient and cost-effective to add onto the Partnership's structure any committees or technical work groups that include representatives of key stakeholder groups than to establish a new organization that must create such groups. (Underlying this argument is the assumption that participants will have equitable responsibility and authority for making and implementing decisions.) ▪ Through workshops and other means, the Partnership has demonstrated its interest in involving the representatives of the stakeholders in gathering, assessing and synthesizing information and data, providing perspectives, guidance and advice, and influencing the Partnership's decisions. 	<p><i>Arguments favoring the private institute model:</i></p> <ul style="list-style-type: none"> ▪ Because the program will include a diversity of interested and affected parties at various levels, it should enjoy widespread support resulting from the participants' ownership of the process and decisions. Decisions are more likely to be the product of a consensus that reflects the common interests of the stakeholders, thus elevating the quality of decisions, reducing conflict, generating trust, and improving communication and cooperation. Because the parties have been given authority to make decisions, they are more likely to work together to implement them. (Assumptions underlying this argument are: a) the parties will work together in good faith to try to reach consensus; and b) while this result could be achieved under the state agency-based model, the involvement of all parties will produce higher quality decisions that they will jointly implement.) ▪ In addition to the institute's dedicated staff, formally involving a variety of stakeholders ensures that they will assume some of the burden of staffing committees and technical groups. The regional monitoring program will be able to capitalize on the resources of both public and private organizations, particularly staff, thus "bringing to the table" a diversity of perspectives and areas of expertise.
<p>3. Link scientific findings and management decisions directly. Produce management information that frames and prioritizes the monitoring questions. Address regulatory monitoring requirements, particularly of local governments. Use inter-disciplinary techniques to predict the outcomes of various management approaches.</p>	
<p><i>Arguments favoring the state agency-based model:</i></p> <ul style="list-style-type: none"> ▪ The current organizational structure of the Partnership, including the relationship and interplay between the Leadership Council, Science Panel, and Ecosystem Coordination Board, demonstrates the Partnership's commitment to strategically linking scientific findings and management decisions. ▪ The Action Agenda illustrates the organization's ability to frame questions, establish priorities, and use inter-disciplinary approaches. The Strategic Science Plan is also intended to ensure that scientific findings influence and improve the quality of management decisions. 	<p><i>Arguments favoring the private institute model:</i></p> <ul style="list-style-type: none"> ▪ Would provide a variety of agencies and organizations (including universities and private laboratories) whom have multiple mandates with more equitable responsibility and authority. This could prove to be an incentive for getting them to share their scientific and management perspectives, expertise, and information. In combining resources and perspectives through a private institute, the parties might develop a more efficient approach for identifying and analyzing options and tradeoffs, and conducting peer review. ▪ Placing the analysis and reporting of findings in one organization and the planning and implementation of ecosystem recovery efforts in another establishes a

	<p>“firewall” to maintain the independence, credibility, and reliability of information and data.</p> <ul style="list-style-type: none"> ▪ One of the private institute’s core mandates would be data management. Assuming the institute will have a narrower mission and fewer programs and priorities than the state agency-based model, it appears likely that funding for what is one of the institute’s few core responsibilities would be more stable over the long-term than it would be in an organization where data management is one of many mandates or priorities that have to compete with each other for funding. ▪ More likely to achieve the long-term interest of local governments that the coordinated regional monitoring program provides a means to efficiently comply with the requirements of NPDES permits.
<p>4. Prescribe a strategic, efficient and credible approach to monitoring and assessment. Develop one-year and longer-term work plans to help implement the Partnership’s Strategic Science Plan and Biennial Science Work Plans:</p> <ul style="list-style-type: none"> ▪ Monitor key ecosystem indicators. Capitalize on existing monitoring and assessment efforts around the Puget Sound region. Collect and assemble scientific and technical information to fill “gaps” in knowledge and understanding. ▪ Integrate information about watershed, fresh and marine waters at multiple scales. Serve the ecosystem monitoring needs of as many interested parties as possible at the regional scale and provide a framework for scaling down to meet others’ needs. ▪ Produce credible results. Promote and facilitate the flow and sharing of information and new findings. 	
<p><i>Arguments favoring the state agency-based model:</i></p> <ul style="list-style-type: none"> ▪ The existing structure of the Partnership provides an umbrella under which the efforts and activities of other state agencies and other stakeholders to clean up Puget Sound can be unified and coordinated. ▪ The Action Agenda, Strategic Science Plan, and Biennial Science Work Plan are all products of the Partnership, making it more efficient and less costly for the Partnership to bring together stakeholders and to manage the activities that are needed to develop and implement these plans. 	<p><i>Arguments favoring the private institute model:</i></p> <ul style="list-style-type: none"> ▪ In the eyes of the participants, and perhaps in the eyes of the public, the independence of an institute means more rigorous data collection, scientific analysis, and credible results. ▪ The involvement of multiple parties in the institute means that information could come from a greater number of sources and disciplines. ▪ It might also mean that the sharing of information among the participants, including educating each other about individual monitoring efforts and working together to identify “gaps” in those efforts, is more efficient because communication channels they have formed within the structure of the institute enhance the flow of information between participants.
<p>5. Have stable funding. Incorporate state agency Action Agenda provisos into the program structure and funding and identify other long-term funds and in-kind resources. Initiate cost-sharing arrangements.</p>	
<p><i>Arguments favoring the state agency-based model:</i></p> <ul style="list-style-type: none"> ▪ The program can be implemented via the legislation that established the Partnership without setting up additional program structures. Thus, it will be less costly and more efficient to use the existing structure of the Partnership to achieve the program’s goals, objectives, and desired outcomes. ▪ Given that the Partnership has produced and is moving ahead to implement the Action Agenda, it is more efficient to incorporate state agency budget provisos into the program. 	<p><i>Arguments favoring the private institute model:</i></p> <ul style="list-style-type: none"> ▪ More likely to secure funding from local jurisdictions, businesses, and environmental groups because they would have equitable authority and responsibility for making and implementing decisions, and would, therefore, be more invested in the success of the regional coordinated monitoring and assessment program. ▪ A greater number of stakeholders means more funding sources. Distributing the responsibility for funding the program among the stakeholders should reduce the

	<p>burden on the State and ensure a more predictable, consistent, and sustainable level of funding and staffing, particularly in times when one or a few of the stakeholders face budget shortfalls. (This argument assumes that participating jurisdictions and organizations will contribute funding to support the institute’s monitoring activities even as they need to continue to fund their own separate monitoring responsibilities. It also assumes that if the institute makes decisions or takes a course of action that one or some participants do not support, those participants will remain invested in the institute’s success and won’t withdraw or decrease funding.)</p> <ul style="list-style-type: none"> ▪ Would have as its sole priority and focus coordinated regional monitoring, to which its staff would be dedicated. The Partnership has a number of programs, goals, and priorities, and they could change. Thus, regional monitoring and assessment may not enjoy the consistent level of attention, support and resources at the Partnership that it would receive at the institute created solely for that purpose.
<p>6. Include mechanisms to ensure accountability.</p>	
<p><i>Arguments favoring the state agency-based model:</i></p> <ul style="list-style-type: none"> ▪ Through its budget the Partnership is being held accountable by OFM, the Governor’s Office, and the Legislature. ▪ Through public meetings of its committees, stakeholder workshops, reports, the Action Agenda, the website, and other such mechanisms, the Partnership is creating the means by which key stakeholders, the media, and the public can hold it accountable. ▪ A program housed in a state agency would need to work very hard to address interests, needs and concerns of clients such as federal, local and other state agencies, and the other key stakeholders. This could be particularly challenging at times when the Partnership’s interests and those of these clients diverge. 	<p><i>Arguments favoring the private institute model:</i></p> <ul style="list-style-type: none"> ▪ Could attract more public and stakeholder visibility and scrutiny, thus shining a brighter spotlight on its decisions and successes in achieving goals, priorities, and results. ▪ Dedicated funding and staffing that are devoted to its singular mission will ensue that the institute is accountable. ▪ The use of a Board and committees, as well as publications such as an annual report, will provide the means to hold the institute accountable. ▪ A private entity would have a delicate balancing act to perform in trying to balance the interests, needs and concerns of its clients. There could be occasions when the institute could be perceived as working to achieve its own interests rather than those of its “members.”
<p>7. Select a director or manager with recognized scientific credibility. Hire and retain staff with expertise, experience, and in-depth knowledge of specific topics to conduct research, synthesize data and information, and collaborate with other scientists to provide a holistic integration of information.</p>	
<p><i>Arguments favoring the state agency-based model:</i></p> <ul style="list-style-type: none"> ▪ The Partnership has a track record of hiring qualified managers and employees with recognized scientific credibility, and the expertise, experience, and in-depth knowledge of specific scientific topics. ▪ The Partnership has also been able to capitalize on the talents and expertise of other state employees, as well as those of key stakeholders. 	<p><i>Arguments favoring the private institute model:</i></p> <ul style="list-style-type: none"> ▪ The person selected to lead the institute would likely have been selected as a result of agreement by the participants, making her/him accountable to them all. They would be invested in that person’s success. S/he would need to consider and balance the interests and needs of the Board and the constituencies. ▪ The director would be the recognizable leader of the coordinated regional monitoring and assessment program, rather than one of a number of managers in an agency. This could contribute to greater visibility and accountability. ▪ The institute’s staff would be focused on the mission and goals of the coordinated regional monitoring and

	<p>assessment program, and would not be diverted to work on other programs or projects.</p> <ul style="list-style-type: none"> ▪ The combination of the institute’s dedicated staff and staff from the agencies and organizations who are participant “members” would provide the program with broad and deep experience, perspectives, and expertise.
<p>8. Identify processes to define and articulate needs for contracting and to address contracting issues.</p>	
<p><i>Arguments favoring the state agency-based model:</i></p> <ul style="list-style-type: none"> ▪ The Partnership has demonstrated an organizational flexibility that allows it to define and articulate the need for contractors, and to efficiently hire and employ them to achieve goals and program deadlines. 	<p><i>Arguments favoring the private institute model:</i></p> <ul style="list-style-type: none"> ▪ Contractors may not be needed as much because of the participation of staff from agencies and organizations who serve on the institute’s Board and committees. But the institute can be structured to ensure that organizational flexibility allows for the hiring of contractors on an “as needed” basis.