

WASHINGTON APA'S GAME CHANGING INITIATIVE
ENHANCE REGIONAL DECISION MAKING

Enhancing 'big ideas' through regional planning: cross-jurisdictional value added in Washington State

UWT Urban Studies Undergraduate Capstone Class (2014):

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Introduction: Purpose and Claims

“In most cases, the region is nobody’s community [...] In the end, the story of effective metropolitan regionalism is always going to be the search for cross-cutting issues.”

Ethan Seltzer (quoted in Katz, 2000, p. 4).

Varieties of Regionalism

Enhancing planning effectiveness in multi-jurisdictional environments —hereafter, simply regionalism — remains an enduring but difficult set of ideas and governance practices (Warner & Hefetz, 2002, p. 71). Contemporary planning¹ arguments for improved regionalism often build upon the classic work of giants like Ebenezer Howard, Patrick Geddes, and Lewis Mumford. Mumford (1938), in particular, argued not only for the well-designed interconnectivity of cities, suburbs, and rural areas but for seeing human

¹We use the “planning” to refer to the huge variety of sub-areas with the professional field of planning, including e.g.: community planning, land-use planning, transportation planning, economic development activity, natural resource management, watershed conservation, and multi-county planning policy, amongst other forms. The term planning thus incorporates various scales of governance, but also keeps the focus on public-territorial problems as opposed to planning in the private sector (e.g. financial planning, corporate planning etc.).

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settlements within their widest ecological contexts. Part of his vision for the United States was building stronger regional institutions (Ozawa, 2004).

More recent ideas draw on a number of related scholarly disciplines and professional practices. Major advocates of regionalism include the Brookings Institution, Smart Growth America, the Department of Housing and Urban Development, the Congress for New Urbanism, and the Organisation for Economic Cooperation and Development. Broadly stated, these bodies promote regionalism on the theory that it will enable politically fragmented authorities that nonetheless share economic and ecological assets:

- (1) to be more competitive in the global economy (Ward & Jonas, 2004);
- (2) to address negative externalities or spill-over effects produced by uncontrolled development within governmentally fragmented areas (Frisken & Norris, 2001);
- (3) to deal with fiscal and other forms of crisis to beleaguered cities and/or adjacent municipalities, including increasingly older suburbs and small towns (Abels, 2014); and/or
- (4) to redress severe service and even socio-political inequities and injustices (Dreier, Mollenkopf, & Swanstrom, 2001).

Accordingly multi-disciplinary research on regionalism, especially on the USA, is vast, not least because examples of “actually-existing” regional planning experiences within the US are so diverse (Abels, 2014; Basolo, 2003; Clark & Christopherson, 2009; Deas & Ward, 2000; Frisken & Norris, 2001; Katz, 2000; Loh & Sami, 2013; Mitchell-Weaver, Miller, & Deal, 2000; Perlman & Jimenez, 2010; Provo, 2009a; Rusk, 2000; Scott, 2007; Swanstrom, 2001, 2006; Swanstrom & Banks, 2007). The focus of most attention is probably still on metropolitan regionalism — that is to say, on formal, less formal, and sometimes totally *ad hoc* collaborations and policy agreements between central cities, suburbs, counties, tribes, special districts, smaller towns, and other key actors like ports, MPOs, and various federal agencies who are either implementing or supporting metropolitan-enhancing policies, programs and projects (Abbott, 1997; Mitchell-Weaver, et al., 2000; Thurmaier & Wood, 2002).

But regionalism today also captures concerns with the experiences of *inter alia*: regional transit agencies (Min, 2014); watershed partnerships (Benson, Jordan, Cook, & Smith, 2013); city-county mergers (Leland & Thurmaier, 2005); Federal and/or state incentives and mandates to implement regional plans and regional policies (Chifos, 2007; Gainsborough, 2001); rural-area economic development initiatives (Lackey, Freshwater, & Rupasingha, 2002); cooperative projects for public works and large infrastructure outlays (Leroux & Carr, 2007); and in one recent and remarkable case, a tax-sharing arrangement between unevenly-performing school districts within the Omaha metropolitan statistical area (Holme & Sarah Diem, 2015).

Still other types of regional planning and public policy experiences include work on tribal development, culture, and environmental conservation (Winchell & Ramsey, 2013) as well as strong interest in the possibilities of “community-based regionalism” (Pastor, Benner,

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& Matsuoka, 2009; Swanstrom & Banks, 2007). Finally, a new body of research has focused in recent years on improving regional-scale capacities to plan for global climate change and related problems of social, economic and ecological (un)sustainability (Barbour & Deakin, 2012; Barton, 2009; Bulkeley & Betsill, 2005; Dierwechter, 2010; Dierwechter & Wessells, 2013; Lundqvist & von Borgstede, 2008).

Current and future efforts to “enhance” multi-jurisdictional regional planning effectiveness, then, are not really about regionalism *per se*; they are about efforts to solve wicked problems that highly fragmented institutional actors and interest groups cannot solve on their own or without the concomitant benefits that flow from additional regional processes of decision-making – or what we shall call in this occasional paper regional value added. These include, in our judgment, many of the ‘Big Ideas’ now being discussed by the Washington Chapter of the APA.

In traditional economic terms, of course, regional value added refers to the difference between the total revenues of the factors of production located in a specific region and their total purchase. But the term has also been used in other fields to capture other properties of sustainable regional development. This includes not simply economic value added by interlinked clusters of exporting firms, but enhanced social capacities/civic capital (know-how, networking, education, cultural values, civic capability, trust) as well as long-ignored and badly under-appreciated ecosystem services like air filtering, micro-climate regulation at both street and city levels, noise reduction, rainwater drainage, sewage treatment, recreational spaces, and cultural values (Bolund & Hunhammar, 1999).

In other words, regional value added can refer more broadly to the how well (and how far) local institutions and modes of regulatory engagement manage and also help deepen ecologically sustainable and socially equitable regional economic development. Portland Metro, for example, arguably adds a lot of regional “value” to municipal-scale planning processes around housing, climate, transportation and infrastructure. Portland Metro does not replace or efface local-scale planning; it significantly improves the overall territorial effects of both local and supra-regional decisions. Portland Metro adds value to local-scale planning in ways that make the overall region more livable, sustainable, competitive, and just. Without it, the region is less smart, creative and nimble.

Within this context, the argument advanced in this paper is that “enhancing” multi-jurisdictional planning – i.e. regionalism in various forms -- should be at the center of how we ameliorate most of our major developmental challenges. Put another way, we argue that efforts to improve the profession’s contribution to concerns like “climate action,” “economic development,” “social equity,” “local government capacity,” and so on, all require more attention to stronger regional planning processes. This means reframing these concerns as “cross-cutting issues,” to use Seltzer’s terminology.

In making this argument, we are, frankly, skeptical of the taken-for-granted assumption or general axiom that only some problems are “regional” in nature. In our view, this makes little sense. All planning problems of any consequence, and certainly the “Big Issues” just listed, are problems that require appropriate attention at multiple scales of

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planning. Climate action is the most obvious case in point, as it is clearly a multi-scalar problem (Dierwechter, 2010). In short, regionalism is not just about managing a small handful of “spillovers” that occasionally slip through the well-bounded policy choices of fragmented and otherwise isolated communities. That said, we cannot — and do not — develop these claims as comprehensively as we would like in this single occasional paper.

The ideas and claims that follow are based on limited empirical research by undergraduates conducted entirely within the time-bound framework of an undergraduate seminar course at the University of Washington, Tacoma. Indeed, we report mostly qualitative data gleaned from twenty or so elite interviews we were able to conduct in a few weeks by phone with various stakeholders located in different regions of the state. We would like to have interviewed far more informants – and also include more case studies. But these are research limitations that any project faces.

Three sections follow. The next section reviews some of the multi-disciplinary scholarly and policy literatures on regionalism, although the weight of our analysis draws on published scholarly studies more than government-issued or consultancy-led evaluations of various local and non-local policy experiences *ex post facto*. We underscore the variety of governance types (or institutional models) associated with the purposively elastic concept of “regionalism.” Different forms of “collaboration” suggest different possibilities. In general, though, we develop the overarching theme that experiments regionalism no longer refer to significant institutional-structural reforms – in particular, to consolidation or centralization of planning authority -- but instead to far less threatening, more politically viable, and also less ambitious efforts to build incremental, horizontal collaborations that frequently lack much formal authority because they rely heavily on voluntary reciprocity.

We then turn to a lengthy discussion of five different regional planning experiences in Washington State:

1. Brittany Hale and Robert Woodmark explore recent experiences with the Yakima Council of Governments, highlighting what they feel are ***emerging successes in making homelessness a “cross-cutting” regional issue***. In keeping with the overall argument of this paper, their work illustrates how planning concerns with “social equity” are enhanced when a rather traditional type of regional institution (a CoG) nonetheless finds ways to facilitate policy and service coordination within a reasonably complex multi-jurisdictional environment. In their view, the Yakima CoG has generated value as local stakeholders – arguably led by the Mayor of Yakima -- struggle with a key social issue. Issues remain, of course, and most relate to the weak authority associated with the Council of Government model. A dynamic CoG thus depends on strong local political leadership committed to regional processes. It is not clear to us how such leadership, so crucial to long-term success, might be facilitated through APA policy proposals, though this leadership issue merits considerable discussion.
2. Cody Wyatt and Wendy Moss next report on Walla Walla’s experiences in regional watershed planning (WRIA 32). Obviously, their study highlights a very

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different setting within which to facilitate collaboration around environmental conservation and regional sustainability. Whereas the Yakima story works through the CoG structure, Walla Walla illustrates how major state-legislative and administrative reforms — wherein Water Resource Inventory Areas (WRIA) are now formalized under Washington Administrative Code — influence regional planning dynamics. They argue that Washington has made substantial progress in redirecting planning efforts “in a fair and sustainable way” and that, furthermore, “... promotes local participation and distinct representation of different watershed community stakeholders.” ***One question that their conclusion raises, then, is whether or not similar types of reforms at the state level might facilitate enhanced regional value in other policy arenas, such as around improved climate action.***²

3. Matthew Hall, Whitney Hays, Shanna Schubert, and Cheng Wang then highlight Columbia River Gorge Commission, an institution that draws together the Federal government, two US states, various tribes, and multiple local governments. Their study underscores both the strengths and weaknesses of this collaboration. ***They conclude that the benefits of the Columbia River Gorge Commission “do outweigh” the price of not having one.*** Although a special body, “it can be used as an example for other governing authorities to create their own commission and can also be used as a barometer to their success and failure.”
4. Most of the case studies ***address the important role of tribes*** in regional planning. In fact, this emerged (organically) as one of the most recurrent and significant themes in our project. Seth Lundgaard’s essay focuses mostly on this theme, offering historical context and critical reflection. He mobilizes the research and experiences of Nicos Zaferatos (Associate Professor at WWU), a leading national authority on tribal regionalism and growth management, to analyze past, present, and possible future dynamics in the Whatcom-La Conner-Swinomish area. Lundgaard’s discussion also champions the catalytic role of the Northwest Renewable Resources Center.
5. Finally, Caleb Rawson offers a discussion of recent efforts in the ***Olympia-Thurston County to coordinate local climate action*** through enhanced regional collaborations. His case study illustrates the growing importance of climate action for local processes of regionalization and inter-agency planning, including what he calls ***“out-of-the-box” examples*** and ongoing efforts to

²For example, Portland Metro – discussed below -- provides regional leadership in reducing greenhouse gas emissions. In part this derives from state legislative obligations passed in 2009 (House Bill 2001), which strengthens its role as the Metropolitan Planning Organization (MPO) for the Portland metropolitan area. Many stakeholders and elected officials increasingly seek to incorporate GHG concerns into decision-making, while Metro plans to include insights from its analysis to inform on-going collaborations with other regional partners in resource efficiency, economic development, planning for livability and climate action.

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overcome traditional **“rural-urban” divides** in policy language and service delivery.

The third and final section of the paper recapitulates our main ideas and offers preliminary suggestions as we move forward in the ‘Big Ideas’ process.

Regionalism Redux?

From Dramatic Dreams to Feasible Collaborations

Since the US Progressive Era at the turn of the 20th century the strongest proponents of improved multi-jurisdictional regionalism have called for “the consolidation of existing government units or the creation of regional governments with significant powers to control land use and development” (Feiock, 2004, pp. 4-5). Today’s self-styled “neo-progressives,” located both in government offices and academic positions, continue to argue that such serious reforms can better promote economic development, reduce service inequalities, and of course address a host of negative and growing externalities and spillovers effects, amongst other major benefits (ibid.). This line of thinking has been kept alive by former politicians like David Rusk and Myron Orefield as well as noted scholars like Anthony Downs (Friskin & Norris, 2001).

Consolidation debates

Advocates of city-county consolidation, for example, highlight what they feel are the enhanced regional planning capacities of, say, the 1960s-era Jacksonville/Duval County merger or the 1970s-era Indianapolis-Marion County reforms. Furthermore, as Savitch & Vogel (2004) note, the more high profile merger of the city of Louisville and Jefferson County a few years ago actually “has put city-county consolidation back on the urban agenda.” In fact, important urban communities like Cleveland, Buffalo, Des Moines, San Antonio, Memphis, Milwaukee, and Albuquerque have all revisited city-county consolidation of late, still frustrated by the fragmented and competitive implementation of development visions. In other words, “...there are still efforts in many areas to merge cities and counties to create a single metropolitan government [--] the most comprehensive approach to regionalism [and] the most radical” (Agnew, 1994, p. 213).

That said, only five cases of city-county consolidation in the USA have actually occurred in recent decades — the most recent being Louisville/Jefferson County several years ago (Olds & Yeung, 2004).³ There are over 3,000 counties in the United States.

³City and county governments consolidate in three different forms: (1) areas with governments legally designated as city-counties but operating primarily as cities, such as the City and County of San Francisco: (2) areas designated as metropolitan governments and operating primarily as cities, such as

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Averaging one merger every five years or so implies long odds for any group within Washington State that might be attracted to consolidation as a means to “enhance” planning in order to redress all our various cross-cutting problems (e.g. affordable housing, carbon mitigation, spatial mismatch). In fact, no city-county consolidation have ever occurred in Washington State, nor is it likely anytime soon (Brenner, 1998)

Instead, local governments and other authorities around the USA have engaged in more limited administrative consolidations of various kinds. Single-purpose jurisdictions like rural school districts merge all the time -- to save money, to access new revenues, and/or to offer new amenities. (Closer to home: the City of Walla Walla and the County of Walla Walla merged their community planning functions in 2010, although this reform eventually failed to sustain itself and was disbanded in late 2014.)⁴ In recent years, as yet another example, Ohio has consolidated twenty local health departments, impacting crucial services to over 2.6 million people—about the population of Lithuania (DiMuzio, 2012).⁵

Other states, included Washington, have enacted “boundary commission” legislation, which aims to control the overall number of “special district” governments in the first place, cutting down on the fragmentation problem. According to an older but still relevant study by Thomas (1980), these reforms were successful in slowing (and in some states actually reversing) the growth of special districts by the late 1970s. Important national institutions advocating administrative consolidations and service rationalization of this nature include the Committee for Economic Development, the Advisory Commission on Intergovernmental Relations, the National Municipal League, and numerous other public and private groups.

Nashville and Davidson County; and (3) areas having certain types of county offices, but as part of another government (city, township, special district, state), such as County of Marion (City of Indianapolis) or, the most famous case of all, the Counties of Bronx, Kings, New York, Queens, and Richmond (all part of the City of New York). For further details see NLS (2013).

⁴ We tried to include this interesting experience here, but unfortunately were unable to learn much outside the ‘ghost’ documents and newspaper accounts that remain on the web. On the proposition that we learn more from our failures than from our successes, it would be helpful to try again. The merger per se was not particularly complex, and really only involved a limited array of services. So: what was achieved over its lifespan, why did it end, and what might the statewide planning community interested in enhancing regionalism take away from this cross-jurisdictional experience? For now, we do not know.

⁵ “City-city” mergers represent another way to enhance planning. As Gaffney and Marlowe (2014) put it: “the principal goal, stated or not, is to deliver the same services with smaller overhead over a larger geographic area ...[wherein the] claim [is] that, all else equal, consolidation saves money.” See: Gaffney, M., & Marlowe, J. (2014). Fiscal Implications of City-City Consolidations. State and Local Government Review. According to another source, there have been “10 true city-city consolidations over the past 30 years”; most have been between small rural jurisdictions. See: Marlowe, J. (2013). Do Cities Actually Save Money When They Merge? Governing the states and localities, August, accessible from <http://www.governing.com/columns/public-money/col-do-city-consolidations-actually-save-money.html>.

Centralization debates

Efforts to create new or improved regional governments with significant powers to control land use and development – i.e. centralization -- have also experienced limited success so far. In fact, only Portland Metro in Oregon and (to a lesser extent) the Metropolitan Council in the Twin Cities approach this neo-progressive model of regional governance and planning (Dierwechter, 2008, p. 145).

Governed by a home rule charter and six directly elected councilors, Portland Metro is responsible for managing the urban growth boundary for the region’s twenty-four cities and three counties (task which falls mostly to counties in Washington). It does not have the authority to prepare comprehensive plans, but it is responsible directly for regional functional plans, solid waste, transportation, and green space planning. Moreover, Metro has the “astounding power,” as Ethan Seltzer (2003, p. 38) puts it, “to require changes in local comprehensive plans to make them consistent with regional functional plans.” As suggested earlier, Abbott (1997) shows that Metro’s management of the Portland area UGB is coupled tightly with regional housing goals, which essentially mandates

a ‘fair share’ housing policy by requiring that every jurisdiction within the UGB provide ‘appropriate types and amounts of land . . . necessary and suitable for housing that meets the housing needs of households of all income levels.’ In other words, suburbs are not allowed to use the techniques of exclusionary zoning to block apartment construction or to isolate themselves as islands of large-lot zoning. By limiting the speculative development of large, distant residential tracts, the [Metro system] has tended to level the playing field for suburban development and discourage the emergence of suburban ‘super developers’ with overwhelming political clout....

No other metropolitan area in the United States – not one – has really tried to replicate Portland’s particular approach to strong regional planning and multi-scaled governance. Debates about Portland’s reputation in US and global planning circles – where critical, skeptical, or sympathetic -- thus cannot be divorced from this singular regional achievement (Provo, 2009b).

Though often mentioned in the same breath, Metropolitan Council in the Twin-Cities has not been as effective as Portland Metro. Created in 1967 by the state legislature, the Metropolitan Council developed a regional plan to contain sprawl, and was further strengthened in 1976 with the passage of the Land Use Planning Act (called LUPA). Amongst other goals, LUPA required, at least in theory, the implementation of “fair share” housing programs across the entire Twin Cities region. But as Goetz et al (1999, p. 223) and other urban scholars have reported:

Despite an initial burst of city compliance and Metropolitan Council enforcement, the 1980s and 1990s saw growing inattention to the LUPA statute. Indeed, neither the Metropolitan Council nor fast-growing suburbs in the Twin Cities region [today]

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consider LUPA, and the fair share provision of low- and moderate-income housing generally, [as] part of the comprehensive plan approval process.

The reasons why are two-fold (Basolo & Hastings, 2003). Superficially, LUPA has lacked sufficient political support from both Democratic and Republican governors; but more important has been, at a deeper level, growing social-spatial divisions across metropolitan regions. “By any of the measures we examine,” Bischoff & Reardon (2013, p. 32) have shown in their national analysis, “segregation of families by socioeconomic status has grown significantly in the last 40 years. The proportion of families living in poor or affluent neighborhoods doubled from 15 percent to 33 percent and the proportion of families living in middle-income neighborhoods declined from 65 percent to 42 percent.” Put another way, as “middle-income space” has transformed steadily into a more divided economic territory of wealthy areas and poor zones, political proposals for either consolidation or centralization have grown harder to discuss politically much less to implement technically.

Despite these challenges, advocates of stronger regional planning emphasize the as-yet unrealized potential of existing institutions to improve the form and function of metropolitan regions. In particular, this involves reexamining the potential long-term role of MPOs. Reflecting on the prospects of stagnate cities, Alan Ahrehalt (2003) has argued, for example, that the best way to fix our major regional problems is simply to figure out “a better way to use [MPOs].” He cites the Mid-America Regional Council (MARC) in Kansas City as one body that has creatively maximized the “vague” powers inferred originally by the ISTEA and TEA-21 reforms of the 1990s.

While most of the nation’s MPOs, in his view, remain “mere debating societ[ies] in which a plethora of interest groups struggle to be heard ... and [which] simply protect parochial interests,” MARC has used its resources to become “not only a player in transportation policy but also a clearing house for the sharing of services among financially strapped localities.” This includes, for instance, the management of a regional purchasing cooperative, which has provided considerable discount savings since 2003. Strengthening our state’s MPOs, then, remains a possible if difficult legislative route for improved regional collaboration. Further analysis of MARC and other MPOs is thus merited.

A few observers even speculate on how MPOs might facilitate transportation and land-use integration within megaregions. “Current regulations do not preclude MPOs from offering advisory roles or technical committee membership to other stakeholders, such as modal authorities or private transportation providers,” one study notes; so

[f]ormal inclusion of transportation providers serving areas outside an MPO’s boundaries, resource agencies, or even representatives from MPOs serving adjacent urbanized areas could strengthen megaregion planning [...] Potentially, if multiple MPOs jointly conduct planning along a major corridor, they might need to work with nonmetropolitan areas. This could encourage additional coordination with state DOTs or regional planning organizations, which are unlikely to have the planning capacity of MPOs (Bernstein, 2011, p. 44).

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In theory, the GMA already empowers Washington’s MPOs “to stop transportation projects that are not consistent with the regional plan” (Trohimovich, 2002, p. 20). In reality, MPOs (like the PSRC) can deploy formal regulatory powers over local transportation policies through more mundane oversight techniques like the (de)certification of transportation elements within municipal plans, *if* they conflict with, or directly undermine, other development goals both locally and regionally. How much this is done, though, is unclear – as to our knowledge no well-designed study has ever compellingly examined this function of MPOs under GMA rules and allowances.

Since 1990s, by most accounts, the emphasis within regionalism has shifted to concerns with competitiveness, sidelining older arguments about equity, fairness, and efficiency. As Todd Swanstrom (2001) argues, the debate over regionalism in the United States is today mostly about addressing market failures – in other words, about economic issues. Despite their critics, regionalists still believe that metropolitan fragmentation *harms* economic growth; that cities and suburbs are *economically interdependent*; and that, therefore, cities and suburbs “are in a win-win situation because the prosperity of one *is tied to* the prosperity of the other (i.e., when a corporate headquarters opens up in the CBD and spins off new jobs in the suburbs).” In making this case, they see the central city and every suburb in every metropolitan area as “specialized parts of the same basic economy [—] integrally related to each other in the same way that a man’s lungs and eyes are parts of his body” (Downs, 1973, p. 40). Yet most voters are largely unconvinced by or even hostile to these arguments, which apparently threaten 18th century conceptions of participatory democracy and attendant notions of what is “local.”

Collaboration debates

US planners, then, are now looking for more flexible, far less threatening networks, and putatively more collaborative (if limited) forms of horizontal-voluntarist governance that avoid the suggestion of “top-down” government per se – and thus new “layers” of public authority and responsibility. Unlike post-apartheid South Africa (Rogerson, 2009), Australia, Japan, and a few other countries, that is, few regional reformers within the United States are really thinking about planning ideas as “big” as political consolidation and/or regional centralization. Instead, regionalism today tends to connote voluntary cross-border collaborative networks of varying kinds, or what Richard Feiock (2004) consistently refers to (positively in his view) as “decentralized institutional collective agency.”

A good example of such “collective agency” can be seen in watershed planning. Benson, et al (2013) map three varieties, moving from totally informal to more institutionalized:

1. Collaborative engagement *processes*, which are basically *ad hoc* conflict management approaches that typically have a limited duration.
2. Collaborative watershed *partnerships*, which are most common, but which are relatively informal organizations involving a wide variety of stakeholders; they provide a forum for collaboratively negotiating plans, passing them to partners for implementation. Of relatively long duration (5–10 years).

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3. Collaborative *superagencies*, which are least common, constitute formalized partnerships composed of multiple government agencies and external stakeholders that engage recursively in negotiating and implementing management plans.

Collaboration is a nice word, like apple pie or motherhood; hard to oppose. Yet many scholars and planning practitioners remain skeptical about how much collaborative (bottom-up) forms of regionalism, including those discussed in this paper, can realistically deliver in terms of regional value added. Norris, (2001, p. 535), for instance, argues that special district bodies in particular represent only “a fragmented and restricted type of regionalism” (p. 117), a “shadow regionalism [that] bears but a faint connection to the true potential of regional governance” (p. 118). While regional cooperation is almost certainly better than conflict, he also argues, “cooperation is not sufficient to achieve regional governance. Cooperation is not governance because, among other things, parties to cooperation can decide not to cooperate, and often do, especially on tough and controversial issues” (ibid.). Regional collaborations, he concludes, usually involve *voluntary* associations, which by definition lack a necessary coercive element. These concerns are evident here as well.

With these debates in mind, then, we now turn to a lengthy discussion of five different case studies that highlight various kinds of regional collaborations now occurring within Washington State. Once again, we stress that these are *indicative* not *exhaustive*, *impressionistic* more than *scholarly*; they do not constitute a comprehensive typology, nor do they represent an authoritative voice on these highly variegated and complex efforts. Moreover, several additional cases that could be explored – such as Sound Transit or numerous MPO experiences (PSRC, Spokane, etc.) – would undoubtedly add important, even critical perspectives. But the cases we present, we hope, *aptly suggest the range and diversity of “regional collaborations”* that in the end might help facilitate further thinking about how to “enhance” regionalism as we celebrate 25 years of significant growth management legislation.

Thumbnails Sketches

“The Yakima Valley Conference of Governments: A Case of Success?”

By Brittany Hale & Robert Woodmark

State and federal entities in the United States should look to Councils of Governments like the Yakima Valley Conference of Governments (YVCoG) to address issues that arise across regional boundaries. However, that is not to say that these councils, or conferences, do not have obstacles that they must overcome. Although they have been successful at implementing transportation policy in the Yakima Valley, the YVCoG also provides

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examples of how difficult it is to govern on a regional scale. Barriers such as political differences, as well as the difficulties associated with reaching out to younger generations, have the real possibility of stifling productivity and coordination within the Conference.

On the other hand, the Conference's decision to focus on issues like homelessness provides groundbreaking, new opportunities to approach old issues that were once considered a city's problem. This shows that Metropolitan Planning Organizations and Regional Transportation Planning Organizations can tackle social issues, as well as transportation. Considering this new policy focus, as well as the perceived problems facing the Conference, judging their success is complicated. To better understand why it is so complicated to judge the success of CoGs, it is first necessary to know what one is and how their focus is determined.

A CoG can be developed to address anything that its membership wants, as Mayor Jim Restucci of Sunnyside, Washington, pointed out. The Denver Regional Conference primarily addresses homeland security, while the Yakima Valley Conference of Governments, the Puget Sound Regional Council, and many other CoGs focus on regional transportation efforts, according to Restucci (personal communication, November 12, 2014). CoGs are generally a forum for cities, states, counties, towns, agencies, and tribes to address regional issues. They have become a catalyst for regionalism and one of the most effective ways to address local planning and development issues. The YVCoG, like most CoGs, primarily addresses regional and metropolitan transportation. However, they have begun expanding their reach into human services. To see why the Conference has expanded to encompass additional services, it's important to know their history.

Background

The Yakima Valley Conference of Governments (YVCoG) was established 46 years ago due to the perceived breakdown in communication among cities and the county, and their lack of ability to address a growing number of regional concerns. Early on, the YVCoG member jurisdictions recognized the need, the desirability, and the regional benefits that result from a collaborative forum for transportation planning and decision-making. According to the Conference's website, their overall goal is to "improve the valley's livability and secure its future." The YVCoG provides a reliable conduit for information and exchange, common problem solving, and sharing amongst valley communities. They meet the planning and technical needs of YVCoG members in a cost effective, professional manner, and they develop an organization directed by its members, insuring the work agenda remains responsive to changing membership needs.

The YVCoG represents the entire Yakima County, which is located east of the Cascade mountain range in South Central Washington. The county covers a geographic area of 4,296 square miles, according to the Washington State Office of Financial Management. The Yakima Valley Regional Transportation Planning Organization and Metropolitan Planning Organization is jointly funded by the Washington State Department of Transportation, Federal Highway Administration, Federal Transit Administration, Yakima

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County, and the cities/towns of Grandview, Granger, Harrah, Mabton, Moxee, Naches, Selah, Sunnyside, Tieton, Toppenish, Union Gap, Wapato, Yakima, and Zillah.

The Office of Financial Management estimates the total county population at 239,100, with 37.3% of residents living in unincorporated areas and the remainder living in fourteen incorporated cities and towns. For this reason the YVCoG acts as the lead-planning agency and the federally designated MPO for the Greater Yakima Metropolitan area, as well as the state-designated RTPO, as required in accordance with the Washington State Growth Management Act (RCW 47.80.20). In order to understand the Conference, it is necessary to have some knowledge of its internal structure.

The Conference of Governments is voluntary and no jurisdiction is forced to join. However, it is beneficial for unincorporated areas with no urban planners on their staff to join the Conference to have access to planners and data services like GIS analysis. The Conference has six members from jurisdictions within the county, and one at-large member that does not represent a jurisdiction and acts as an unbiased voice. The 15 jurisdictions in the Yakima Valley are the members who form the YVCoG. Established under RCW 36.70.060, the YVCoG is an organization with detailed bylaws and Articles of Association. These bylaws and Articles of Association establish an organization led by an executive committee consisting of elected officials representing the Yakima Valley's diverse municipalities. Given the Conference's wide range in membership, they've chosen to focus on issues that are important to the different localities.

According to the Chairman of the YVCoG Executive Committee, Jim Restucci, "CoGs can be anything that their membership wants them to be," which is why the Conference primarily addresses issues arising around regional transportation efforts (personal communication, November 12, 2014). That is not to say that they only address transportation. Recently, they have also begun talks on expanding the reach of the COG to incorporate issues such as homelessness. With this expanding policy focus in mind, as well as the role the Conference has played in funding important transportation projects, it's obvious that they have experienced some significant achievements.

Perceived Achievements

Interviews with Executive Committee members of the Yakima Valley Conference of Governments reveal that they are optimistic about the role they play in promoting and implementing policy. Among their perceived achievements are successful transportation projects like the Valley Mall Boulevard, which connects Yakima to Union Gap, then to the freeway. When it comes to the Council's focus on transportation projects like Valley Mall Boulevard, Executive Committee member and Mayor of Yakima, Micah Cawley, says that transportation "is something that everybody needs." The YVCoG "is a regional entity that's available for federal and state funds, and has relationships with all the local and county forms of government in the area, so it's just a natural fit," Cawley continued.

Cawley said that the Conference also plays an important role in reaching out to rural communities and helping them get grants for parks and recreation, or assisting with traffic planning (personal communication, November 24, 2014). According to both Cawley and

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Restucci, another significant achievement of the Conference involves issues outside the realm of transportation.

The Conference's new focus on homelessness – making it a “cross-cutting” issue -- is regarded as one of their achievements, demonstrating their ability to address some negative externalities in their region. Cawley stated that Yakima County is poised to “divest” themselves of their homeless problem, ultimately pushing homeless out into other communities. “The CoG voted to take that on, so the regional homeless problem will now have a lot of the government resources. It will be housed and led from the CoG, which I think is important,” Cawley said. He called pushing the homeless out of Yakima County and into other communities a “disservice,” adding, “a regional approach will really help.” Executive Committee Chair Jim Restucci echoed Cawley's sentiments, saying, “We have begun talks to expand the reach of the CoG” to include homelessness (personal communication, November 24, 2014). Another noteworthy achievement, according to Conference members, is coordination with nongovernmental actors, specifically, the nonprofit People for People.

People for People is a nonprofit organization based out of Yakima. Their CEO, Madelyn Carlson, coordinates with the Conference's Executive Committee. People for People helps provide transportation to residents in Central and South Central Washington State, specifically to those residents who are low income or disabled. According to Cawley, having a private nonprofit organization at the table can help with speed and funding. “The private sector can kind of cut through those areas or achieve funding faster or at a lower cost than government,” said Cawley. It also “breaks down the barriers of the jurisdictions,” he added (M. Cawley, personal communication, November 24, 2014). It's important to note that other nongovernmental actors sit on the YVCoG's Executive Committee, including Dave McFadden, the CEO of the Yakima County Development Association, a nonprofit in the area that helps expanding companies secure funding. John Hodgkinson, a real estate agent, is also on the Executive Committee. With all these examples of nongovernmental actors in mind, it's clear that the Conference is coordinating with a variety of individuals.

Perceived Problems

The YVCoG has made strides to increase significantly regional planning and transportation efforts. However, it does not come without its faults. The Conference of Governments has made significant progress when it comes to transportation, yet they lack reach in the Yakima Valley when it comes to human services. While they do intend to expand their reach, it has been a very slow process, and their primary focus still lies on public transportation across jurisdictional boundaries.

There is another problem with the way the CoG promotes their achievements. It is difficult to find specific projects that the YVCoG was involved in that can be viewed as a success. While it is outstanding that they secured close to \$10,000,000 from the American Recovery and Reinvestment Act of 2009 for transportation purposes, it is still yet to be seen if the grants and loans actually increase regional transportation efficacy and efficiency. Another issue facing the Conference is engaging younger individuals in the region.

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For an almost 50-year-old organization, the Conference lacks notoriety with younger generations. There are 70,000 youth (age seventeen and under) in Yakima County, 31% of the county's population, compared to 25.7% in Washington State. Mayor Restucci pointed to this as the single biggest obstacle in front of the CoG. "To improve the YVCoG we need to dedicate ourselves to the communication piece, we need to begin embracing platforms such as social media to excite and involve the youth of today. As for now, we lack any sort of outreach when it comes to communication and our younger generations, which is terrifying. To continue to be successful we need to put our thumbs down on the younger demographic," Restucci said in an interview (personal communication, November 12, 2014). Clearly, a main obstacle facing the YVCoG is reaching out to younger individuals and engaging them in the process. Another huge concern is the Conference's ability to provide transportation options for low income or disabled individuals in the region.

The population that is most likely to have unmet transportation needs includes persons with disabilities, older adults, youth, and the poor. Within Yakima County, a significant percentage of individuals fall into one or more of these categories. The 2000 U.S. Census identified 44,663 individuals as having a disability in Yakima County. The Conference could better service the handicapped and disabled community that is so prevalent in their community. The special needs population utilizes existing services, but they also rely on friends, family, and other options because their needs are not entirely met. Residents who live in unincorporated areas of Yakima County lack transportation options and may need to travel up to 40 miles each way to access basic services. Areas such as Cowiche, Naches, and Mabton are isolated from transportation services. Rural and isolated communities not only lack transportation, but also basic services.

Relationship to regionalism literature

A review of the literature relevant to the discussion of Councils of Government, as well as Metropolitan Planning Organizations, reveals important trends and factors that impact institutional capacity to promote and implement regional policies. For example, Grigsby (1996) and Lindstrom (1998) both highlight changes in federal funding, as well as its consequences. Lindstrom (1998) elaborates further, referring to patterns of evolution when it comes to the current role of Councils of Government in the Chicago region. Another prominent theme in the literature is the role of politics in regional governance. Gerber and Gibson (2009), Lindstrom (1998), Vogel and Nezelkewicz (2002), and Cutter (2012), all write about the role of politics in collaboration and the difficulties that can arise from political fragmentation, as well as divergent interests. But before examining politics and its relationship with CoGs and MPOs, it is first important to consider how these institutions have evolved over time.

Grigsby (1996) details how Councils of Government rose to prominence in the 1960's and seventies, and how a decrease in federal funding has impacted their effectiveness. According to Grigsby (1996), the federal government and federal funding is the main reason for the growth of Councils of Government during this time frame. By 1976, there was a peak of 669 Councils in the United States, spurred on because federal grants tended to favor regional entities (Grigsby, 1996). This changed, however, and by the late

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1980's under the Reagan administration federal money stopped flowing to regional councils and was made more available to states who could use their discretion when it came to distributing funds, giving them the option to largely bypass regional entities (Grigsby, 1996).

With this in mind, Grigsby (1996) argued that America would not see a resurgence in formal regional governments and instead, informal “networks” and “alliances” would become the norm (p. 56). These alliances must attempt to address class public issues like equality and fairness, requiring more collaboration between nontraditional actors like nonprofits and (the differently focused) business sector (Grigsby, 1996). Along the same line, Lindstrom (1998) also highlights the way in which councils have changed over time in the Chicago area.

Bonnie Lindstrom (1998), author of “Regional Cooperation and Sustainable Growth: Nine Councils of Government in Northeastern Illinois,” explains that the nine bodies in the Chicago area have followed four phases of evolution through the years (p. 330). First, many councils start out as “dinner clubs,” where members come together to address common concerns like fire, safety, and refuse disposal. Then, these same clubs are eventually turned into regional entities by federal mandates, specifically laws like the Surface Transportation Assistance Act.

Eventually, a third phase of evolution comes into play when they begin incorporating county government into the regional collaboration. Finally, the fourth phase is established when Councils become involved in land use planning (Lindstrom, 1998). Lindstrom (1998) details the evolution of these nine councils in some detail, and it is clear that most followed the same pattern of change. However, it is unclear whether or not all of these patterns would hold true outside of Illinois – or where there is a “fifth” phase that suggests continued evolution and capacity building. Since the role of federal legislation in developing regional councils is the same throughout the United States, we should expect at least some of these phases of development and change to apply to most councils elsewhere.

Lindstrom (1998) and Grigsby (1996) provide useful and insightful analyses of the evolution and history of Councils of Government in the United States. As Grigsby (1996) points out, when the federal government turned off the funding “spicket,” attention shifted from regional entities to states when it comes to adopting regional policies. With this in mind, it is not difficult to see why new actors like nonprofits and businesses have become more involved with regional collaboration. Their resources provide much needed assistance to councils when it comes to forming and implementing public policy. Moreover, Lindstrom (1998)'s analysis of the Councils of Government in the Chicago region shows some commonality when it comes to the history of these institutions. Applying these “patterns of evolution” to Councils in other states may help us identify why certain collaborations have been successful and others have not (Lindstrom, 1998, p.330). While Grigsby (1996) and Lindstrom (1998) help demonstrate why the history of councils is important to our discussion, many other authors point out that politics play an equally important role in regional collaboration.

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In our view, one of the most relevant pieces of literature relating to the Yakima Valley Council of Governments is by Elizabeth Gerber and Clark Gibson (2009), who focus on the dynamics of local versus regional politics and the role of elected representatives and public managers in reaching certain outcomes. Gerber and Gibson (2009) hypothesize that the composition of a council will determine whether or not they will implement broad, regional policies, or policies that benefit localities only. They believe that public managers, or professional policy makers who are not elected, like planners or city managers, are more likely to be supportive of regional policies (Gerber & Gibson, 2009). On the other hand, local elected officials are accountable to their constituents and as a result, they are more likely to push for policies that are less regional in nature, and more beneficial to the politically fragmented voters they represent directly (Gerber & Gibson, 2009).

To test their theory, they looked at a sample of MPOs, ultimately finding that their hypotheses proved robust: those MPOs that had a higher percentage of elected leaders serving on their committees enacted more local projects, as opposed to regional ones (Gerber & Gibson, 2009). In turn, MPOs with a higher portion of public managers tended to enact more regional projects – reflecting well-known tensions between the administrative and political management of regions. Another important finding is that wealthier areas with large transportation systems were more likely to enact regional projects.

Besides local vs. regional policies, another related topic covered in the literature is political fragmentation and divergent political interests. Both Lindstrom (1998) and Vogel and Nezelkewicz (2002) write about the influence of political fragmentation and differing political interests in hindering or spurring regional policies. In reference to Chicago's nine Councils of Government, Lindstrom (1998) says that one of the main reasons the Councils are able to pursue a regional agenda is political fragmentation. Because Northeastern Illinois is home to the largest number of local governments with taxing authorities within the United States, there is plenty of room for regional collaboration and actors find that regional institutions in the area provide a "venue" for different policy options (Lindstrom, 1998).

Vogel and Nezelkewicz (2002), on the other hand, performed a case study of the Louisville MPO to see whether or not it met the standards of "new regionalism," specifically, whether it was able to deal with the negative externalities associated with sprawl. They examined the efforts of the MPO, called the Kentuckiana Regional Planning and Development Agency, to facilitate the planning of a new bridge, but found that divergent political interests ultimately tripped up the collaboration (Vogel & Nezelkewicz, 2002). Vogel and Nezelkewicz (2002) concluded that the competing interests of the cities and suburbs led different actors to take "fixed positions" on the bridge *well before* the process of determining the location even began (p. 123). (Yet planners sometimes must presume at least the possibility of mutual learning through deliberation and collaboration – or what prominent planning scholars like John Forester call the development of a "deliberate" or "communicative" rationality for joint action.) In all, they found that "new regionalists" – heirs to the "neo-progressives" discussed earlier -- might be setting the bar too high considering the political barriers (Vogel & Nezelkewicz, 2002, p. 127). Clearly, Lindstrom (1998), as well

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as Vogel and Nezelkewicz (2002), show how fragmented political geography influences the effectiveness of regional collaborations.

Cutter (2012), unlike the other authors examined thus far, paints a rosier picture when it comes to collaborative prospects. Specifically, Cutter performed a survey of local leaders in North Carolina who took part in regional collaborations, ultimately finding that most were eager to engage. Cutter emailed surveys to local leaders in 16 different regional councils, receiving a total of 236 responses. He found that 80% of the local leaders surveyed believed that regional collaboration was important. Not surprisingly, those who frequently attended Committee meetings were more likely to be supportive of regional efforts. Getting people to these key fora, then, is no small issue – and may thus suggest a need to think harder about incentives for recurrent participation, where mutual learning and acculturation take place. Cutter (2012) also found that elected local leaders were more likely to support service delivery as a part of a regional agenda. Rural leaders were also likely to support a regional agenda, as they’ve come to rely on the regional council (Cutter, 2012). This seems to push back against Gerber and Gibson’s (2009) assertions about elected officials and their preference for supporting only local projects.

Our Take

Given the ability of the Yakima Valley Conference of Governments to address transportation, as well as issues like homelessness, it is clear that they are attempting to expand their role, although there are apparent barriers to their success. One such barrier is the role of local political mentalities in determining which projects are funded. When asked about the toughest aspect of regional coordination, Cawley said, “Trying to get the city and county to get along.” He specifically referenced one project in which the city of Union Gap pulled out due to political differences (Cawley, personal communication, November 24, 2014).

It is not surprising that politics plays a role in determining how well Councils of Government function, as Gerber and Gibson (2008) explained in their article. They point out that elected officials are more likely to support local, not regional, projects – unable or unwilling to see all projects as part of regional solutions to cross-cutting issues. Vogel and Nezelkewicz (2002) also touched on this in their examination of the Louisville MPO, writing that divergent political interests led to road bumps in the planning of a new bridge. With this in mind, local politics is clearly a barrier that may limit the Conference’s successes. Another important takeaway from the YVCoG is the role of nontraditional actors in addressing regional problems, specifically the role of businesses and nonprofits.

As explained earlier, the Conference of Governments coordinates with many different actors, including nonprofits and businesses. This is also a key theme from the literature. Reflecting themes developed earlier in this paper, Grigsby (1996) doubts the resurgence of regional governments, instead suggesting that informal networks and alliances will become the norm, specifically alliances with non-state actors like nonprofits and businesses. This is all because of a lack of federal funding and a shift away from regional institutions towards state control. Considering this analysis, as well as Cawley’s

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assertion that private enterprises are able to more easily secure funding, it is clear that the YVCoG exemplifies an institution that is trying to blend and coordinate the strengths of many different actors.

All in all, determining whether or not the Yakima Valley Conference of Governments is truly successful is complicated by our various expectations. In Vogel and Nezelkewicz's (2002) analysis of Louisville, new regionalists who stress the need to combat negative externalities of sprawl might be expecting too much from MPOs. This may also be the case with Yakima and for this reason, it is quite important to define what is considered successful – what we *accept* as successful. If a benchmark for success is bringing different stakeholders from nonprofits, government agencies, and businesses together under the same umbrella, then the Conference is successful in this arena.

Although we were unable to reach certain stakeholders like People for People or members of the business community, Cawley was optimistic that the Conference has “an opportunity to bring all communities together and make them feel like they're a part of one board... Instead of one city or one entity offering an agenda, or a veiled agenda” (personal communication, November 24, 2014).

However, considering the topics that the Conference has been able to address thus far, it is clear that there is room for improvement and more time is needed to see how the Conference's new focus on homelessness plays out. One of the most important aspects of regional entities is their ability to address the negative externalities associated with growth, including economic disparities, pollution, and sprawl. Only recently has the Conference taken up the issue of homelessness, which is definitely encouraging from the “Big Idea” perspective of social equity. Given that this is a new focus of the YVCoG, more time is needed to see what policies are promoted and how effective they are at redressing the issue. If the Conference is able to make significant progress regarding homelessness in Yakima Valley, they may serve as an important case study in how regional institutions can be effective in addressing social issues.

Conclusions

Everything considered, the Yakima Valley Conference of Governments plays a big role in Central and South Central Washington State, encompassing over a dozen municipalities. They are the Metropolitan Planning Organization for the region, allowing them access to federal funds that they've historically used for transportation projects. Coordinating with different actors, from businesses, to nonprofits, allows the Conference to access valuable resources. Moreover, the Conference is expanding their focus to include issues like homelessness, signifying an important change in what is traditionally considered within the purview of an MPO. However, coordinating on important issues like transportation and homelessness is not without obstacles. The Conference must begin making efforts to engage younger Yakima Valley residents through social media, according to Chairman Jim Restucci. They also have to reconcile political differences between actors, all while creating a unified agenda for the region.

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While their overall success may be hard to judge at the moment, it's clear that members who were interviewed are still optimistic about the role of the Conference and its ability to bring different stakeholders together. But more research is needed to determine, for example, how *residents* in the Yakima Valley feel about the Conference and its effectiveness. The long-term impacts of their projects, including the Valley Mall Boulevard, are yet to be determined, which is why more time is needed to see how these policies shape the region. However, their new focus on homelessness could open up more opportunities for MPOs in Washington to coordinate on social equity issues, widening the range of what is traditionally considered classic regional problems.

“Complexities of Watershed Management and Partnerships in Walla Walla”

By Wendy Moss and Cody Wyatt

The Walla Walla watershed basin requires regional collaboration because its boundaries leak into the jurisdictions of multiple counties, states, forest areas, and tribal lands. The location of Walla Walla makes it an especially challenging watershed: it borders the states of Oregon and Idaho, impacting the counties, communities, and tribes within those areas as well.

The Walla Walla Basin Watershed Council (WWBWC) was originally founded in Oregon and in 1994 the Umatilla Tribe sparked interest that the Washington would also recognize it. As indicated in the introduction to this paper, the tribal role is (at least partially) responsible for what is today operating as a regionally-managed watershed. The WWBWC works directly with tribes and forest services of both Oregon and Washington in maintaining the restoration of a healthy watershed. The reason for this working partnership is a mutual agreement of all parties who wish to keep the Northwest a lush forested land that is nationally known, with watershed management a key reason why. Such partnerships across Washington are guided, of course, by legal and administrative norms associated with Watershed Resource Inventory Areas (WRIAs). The Walla Walla Watershed reveals that the structure of the collaborations are in fact shaped by WRIA procedures, as expected, but the partnership is more than just a “legal space”; it is also kind of a “social connection” between the agencies in the region, reflecting place-based pride in maintaining a healthy environmental commons.

Background

The Walla Walla watershed is located in Southeast Washington State in Walla Walla and Columbia County, but extends into Northeast Oregon. The drainage basin covers 1,760 square miles beginning in Oregon where the Walla Walla River starts; the water then flows through Walla Walla County, in Washington, and drains into the Columbia River. Smaller rivers running into the Walla Walla River are the Touchet River, Dry Creek, Pine Creek, and

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Mill Creek (Dept. of Ecology State of Washington, 2013). Washington State was divided into 62 watersheds, or Water Resource Inventory Areas (WRIAs) in 1971 under the Water Resource Act.

Walla Walla is Washington State's 32nd WRIA. Participants are multi-territorial, and include: federal, state, and county level government agencies; tribal governments; and various community organizations and private actors like conservation and environmental interest groups, landowners, and academic institutions. This is a simple, but rather important point. Before watersheds were collaboratively managed, they were administered in a far more fragmented manner. Legislative changes have mattered in important ways.

Regulations built up steadily over time, as the politics of water rights emerged. Washington's Department of Ecology (2013) describes the Water Code Act of 1917, which first required individuals and groups of the state to obtain permits and certificates for use of any surface water. Similarly, the State Ground Water Code of 1945 required a permit for withdrawal of ground water, excepting projects that were "exempted." To obtain a permit the project was required to show a "beneficial" use. Common examples were irrigation, domestic water supply, and power generation.

In the 1990s, watershed management became an more pressing because of the effects of increased settlement and irrigated agriculture, which heavily contributed to the decline of stream flow, endangered salmon, and deepened tensions among users. By 1998 water quality did not meet required state standards because many "streams [had] low dissolved oxygen, too many chlorinated pesticides and PCBs, high temperatures, fecal coliform bacteria, and pH levels" (Dept. of Ecology State of Washington, 2013, para 3). During this time salmon stock suffered and were nearly listed under the Endangered Species Act, which would have made processes around using and obtaining water rights much more difficult.

Also in 1998, watershed planning shifted towards a more collaborative approach when the state legislature enacted the Salmon Recovery Act and the Watershed Planning Act. The Salmon Recovery Act's main focus was salmon habitat restoration projects as chosen by local governments and citizens. Today the Watershed Planning Act "provides a framework whereby local governments and citizens can voluntarily develop water management plans through consensus process" (Ryan, 2005, p. 492). The act provides funding to planning groups that meet four specific requirements in their process, including "(1) how much water is physically available; (2) how much water is currently being used; (3) how much water is allocated through existing water rights; and (4) how much water is needed for future uses," other elements encouraged include water quality, fish habitat, and in stream flow (Ryan, 2013, p. 492).

Under the Watershed Planning Act community members and stakeholders were now encouraged to participate in planning activities, but at a minimum to maintain participation requirements from all counties in the watershed, as well as the largest city or town, and the largest water purveyors. Because Washington relies so heavily on local planning and management activities, multiple projects by different groups often shape the same water

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basin. Actors include state and federal agencies, county and municipal governments, watershed councils and boards, tribal governments, irrigation districts, conservation and environmental interest groups, and private landowners.

In Walla Walla many stakeholders are now coordinated through the Walla Walla Watershed Management Organization, which is led by a nine-member board with a Policy Advisory Committee and the Water Resource Panel. The nine board members represent a diverse array of stakeholders, including the Confederated Tribes of the Umatilla Indian Reservation, Columbia County, Walla Walla County, City of Walla Walla, Gardena Farms Irrigation District #13, Columbia and Walla Walla County Conservation District, Planned Area Water Right Holders, Planning Area Environmental Interest, and Planning Area Citizen At-Large. The Policy Advisory committee provides a crucial forum where issues relevant to the partnership can be discussed provides assistance and advice to the board. The Water Resource Panel in turn provides technical review to proposed local water plans and drafts recommendations to approved local plans while providing assistance and advice to the board.

Discussion

Counties obviously do not possess enough power to manage a water system that stretches further than its borders. Efforts to branch out the purview of partnerships via watershed management have thus broadened the horizons of regional entities. Curiously, the work of watershed partnerships is both emotionally charged, and highly technical, requiring expertise on social, economic, biological, and geomorphological processes. It has been important in the case of Walla Walla to establish trustworthy relationships in order to run a regional operation.

This is evident in the role of tribal connections, which provide resources and grant access to land and water rights. We communicated with the Umatilla tribe in order to understand the role they continue to play in restoring the Walla Walla watershed. The Umatilla tribe has assisted in developing a comprehensive restoration strategy working with multiple parties, who deal with planning documents, project planning and development, project operations, outreach and education. The key funding support comes from groups such as: BPA (Bonneville Power Administration), US Army COE (Corps of Engineers), WA DOE, CTUIR (Confederate Tribes of the Umatilla Indian Reservation), and the private sector. In our view, these organizations have strengthened watershed management partnerships.

The extension of regional collaboration with the Umatilla Tribe can help accomplish numerous projects by extending their funds and volunteers. Such projects include: irrigation efficiency, water management, and habitat enhancement. Projects range from small-scale operations like converting sprinklers to micro-sprinklers. Larger projects such as artificial aquifer recharge enhance natural groundwater supplies using artificial conveyances (infiltration basins and injection wells).

Projects on this scale require much more maintenance and the extension of watershed management allows “fair share” responsibilities as the task are jointly operated,

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another example in this paper of how regional process add considerable “value” to formally fragmented and sometimes even counter-productive local activities. Again, the regional goal is to restore and maintain healthy watersheds for wildlife, fish, people, and plants. Through monitoring, planning, assessment, and outreach the tribal theme is prevalent; organizations like the WWBWC and DOE are collaborating with CTUIR to restore a once healthy watershed along with a salmon population that benefits the region’s sustainability.

The Umatilla tribes under the CTUIR, along with other partnerships in area, have developed long-term relations around projects dating back to the early 2000s. As Leach et al. (2002, p. 665) explain: “Most partnerships older than 48 months have reached several milestones including agreements on proposed projects, and implementation of restoration, education, and monitoring projects. Stakeholders perceive that their partnerships have been most effective at addressing problems that can be managed at a local or regional scale.” The chemistry between collaborative partnerships is a indication, we think, that regionalism is alive and well in regards to watershed management in this basin.

That said, some are concerned that the realities of multiple boundaries could block further progress. “Organizational fragmentation,” one report notes in what is by now a familiar theme in this paper, “is often a major obstacle to effective watershed management. To begin with, divisions among levels of government—local, state, federal—may generate genuine disputes over the proper locus of taxing, spending, or regulatory authority” (CWM, 1999, p. 165). Yet we find in the case of the Walla Walla watershed, at least, that said organizational fragmentation has not really been a major obstacle so far. Even as the natural territory of the watershed extends through several counties and states, a commitment to collaborative regionalism is apparent.

Put another way, the local and state partnerships have been reasonably effective -- and indeed have been recognized with various grants and awards of achievement. The WWBWC has received multiple awards at the state and national levels. In 2006 the WWBWC received national recognition from the Walter C. Watermilk foundation in regard to their organizational leadership. Other rewards come from the Environmental Protection Agency, as well as the Oregon Watershed Management Council. These suggest that the WWBWC is operating successfully. Earlier this year the Department of Ecology awarded eight counties grants to stimulate watershed developments. The funds come from a \$10 million appropriation authorized in 2013 by the legislature to benefit water supplies and fish habitats in ten of the state’s sixty-two drainage basins. “The Legislature has entrusted Ecology to fund projects that give us the best value and provide current relief or avoid future problems for competing demands on scarce water resources. The projects we are funding continue to implement watershed plans in our basins to benefit people, farms and fish,” said Water Resources Program Manager Tom Loranger (cited in Partridge, 2014). This can only be accomplished democratically in the collaborative partnerships. “These local watershed projects” Loranger further notes, “are also vitally important for regional economies”; they support local jobs and growth “by helping give communities more certainty about water needs and availability that will help support future development” (ibid.).

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We also note that the partnerships help collect important data. In a phone interview conducted with Steven Patten of the WWBWC we asked about the role of the organization and its future direction. Mr. Patten is a senior environmental scientist who works with the monitoring programs in ground and surface water. He oversees over a hundred ground wells, monitoring fluxing records of water use throughout the basin. Most wells are technologically programmed to record and measure the water levels every 15 minutes, thus providing an accurate log of changes in water levels. Only twenty of the ground wells are not updated automatically, which requires manual monitoring. That less than one-fifth of the wells aren't equipped with the technological advanced data equipment indicates the organization has been developing its capacities. Monitoring is utterly critical: The watershed has seen an increase in both residential and agricultural demands in the area. Finally, the WWBWC demonstrates that watershed partnerships can provide planning and regulation services even when divided by state borders. The WWBWC currently operates as a regional entity, sharing resources within each other in order to coordinate their management strategies.

We also asked Mr. Patten about setbacks and concerns that the WWBWC might be facing. Interestingly, his response was mostly positive (personal communication, December 3rd, 2014). When asked specifically about the WWBWC's relationship with the Forest Service, the response was also positive, as both organizations have a well-documented history of working with each other. The WWBWC is used as a "public forum" by the Forest Service for resources and feedback on projects affecting populations in the surrounding area. This joint partnership allows the Forest Service to prioritize project funding for watershed management and in return the WWBWC carries out delivery. This working relationships is an example of inter-institutional regionalism that is focused productively on watershed management in and beyond our state.

With respect to setbacks or concerns, then the only issue that was brought up during the phone interviews was the "bi-state laws" that are not properly regulated by any of the states. Washington doesn't recognize water protection rights once it passes from one state into another--essentially losing all protection as it crosses state boundaries. Mr. Patten reported that there is *no obligatory law* to carry out the regulations and restrictions of water rights *as they cross state borders* (personal communication, December 3rd, 2014). This suggests room for new interventions and perhaps even corrective legislative ideas. Fortunately both Washington and Oregon are regionally joined together through the WWBWC, so this helps to enact the same policy concepts.

As stated earlier in this paper, regional collaborations take many different forms and scales. Walla Walla's watershed is geographically large, involving cross-border jurisdictions and a diverse array of stakeholders all working toward achieving water quality enhancement, ecosystem recovery, salmon recovery, and environmental sustainability while maintaining citizen water rights. Over all, though, we feel stakeholders have experienced many successes, despite facing challenges of funding, participation, and overcoming the normal problems of trust and mutual understanding in the context of clashing economic interests and analytical perspectives.

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The WWWMP has been an effective vehicle, we believe, to coordinate efforts in a complex regional environment. It was founded by local stakeholders in coordination with the Washington State Department of Ecology. This partnership, then, is a multi-scaled achievements -- reflecting a wider belief that recursive and meaningful local participation is the only way to achieve goals that benefit farms, fish, and watershed communities. The program is run by a nine-member board with two advisory committees: one for policy issues, and one focused on technical problems. Issues include: water users, environmental interests, tribal concerns, citizen improvements, governmental affairs (local, state and federal), conservation districts, bi-state (Oregon) entities, and higher education.

Naturally, WRIA 32 faces sizable challenges in meeting the needs of farms, community members, and salmon. But successes can be credited to the partnership as they have enhanced stream flow and helped salmon recovery while also keeping water available for municipal and agricultural uses. The partnership's authority is empowered by state law, and uses different strategies to reach goals by encouraging local development of water plans and water banking. This is "an institutional mechanism used to facilitate the legal transfer and market exchange of various types of surface, groundwater, and storage entitlements" (Washington State Ecology Dept., 2013, p. 3). In sum, "92 water banking non-use agreements and three Local Water Plans [have been] executed to-date, depositing 8,870 acre-feet annually of surface water and groundwater rights into the Partnership's one-of-a-kind water bank for environmental enhancement" (Walla Walla Watershed Management Partnership, 2012, pp. 7).

Besides maintaining and gradually even restoring ecological aspects of the watershed, protecting the rights of water users and providing sustainable services is of the utmost importance to the partnership. WWWMP provides services that help bank unused water, sell water rights, facilitate conflict management, and add flexibility to water rights – all crucial aspects of the heavy transactions costs all territorial governance of public resources generates. According to various progress reports, the partnership has made its biggest contributions in adding flexibility to water rights, and in helping encourage conservation through water banking -- which is relatively new to Washington. We also had the opportunity to interview Chris Hyland, the Executive Director, who specifically felt the partnership had successfully improved flexibility for landowners to access their water rights.

Washington law holds that agricultural water rights may be taken if they are not used after five years, which often (inadvertently) encourages unsustainable use of water. A voluntary water-banking program offers a more sustainable solution to this problem. The partnership has also helped encourage conservation of water by giving incentives by offering more flexibility in water management. They do this, for instance, within their Local Water Plan, which provides opportunity to propose changes in activities such as "point of diversion, place of use, time of use, or source of water. Through these locally-approved and Ecology-endorsed temporary changes to water use practices," moreover, "this program enables stream flows to be augmented while still providing sufficient water for participants" (Walla Walla Watershed Management Partnership, 2012, p9).

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Yet challenges always include participation rates. While the Watershed Planning Act of 1998 has specific requirements for who must participate, including all counties in a watershed, largest city, and largest water purveyor, there are no laws for anyone else who may nonetheless need participation in local water programs. As one authority puts it: "...the participation requirements in the statute specify primarily government participants, and do not specify representation by non-governmental citizens, development or environmental organizations, the planning groups vary widely in terms of representation and participation from those interested" (Ryan, 2005, p 493). This, then, is concerning and was indeed expressed by Steven Hyland in our phone interview. When he spoke of non-participating water rights holders, he noted that "they don't want to change, no one's holding a gun to their head, so they don't have to" (Hyland, Executive Director, 2014). If local water plans are not adapted and water rights users do not participate, then the likelihood of conservation and ecological recovery reaching its full potential in Washington is hampered.

Taken as a whole, Walla Walla has an admirable track record of involvement with multiple parties from all levels: "Washington law requires the county, city, and utility initiating governments to invite tribes to join the planning process, but their participation as an initiating government is not required to proceed" (Mucken, 20014, p. 13). The partnerships are a key to success, and go further than the planning requirements. Research from interviews with the Umatilla tribe reported positive feedback on this theme. Funding support from the Department of Ecology for projects implies that the tribes play an active role in the planning process. Speaking with Mark Johnson, a project leader of the Nez Perce Tribe, the role that tribes have had in joint funding with the Forest Service is notable (personal communication, November 19th, 2014). Johnson said that the Forest Service contracts administration; the tribe administers the contracts. This partnership is linked to planning but again is not a requirement of the laws under watershed protection. Since this style of government is incorporated in Walla Walla's Watershed it possesses the capacity to reach out and expand to other hubs. "Washington requires a group of "initiating governments" to make the first move to organize and apply for Washington's watershed planning funds.

Initiating governments are defined as: (1) all counties within the planning WRIA, (2) the largest city or town within the WRIA, (3) the largest water supply utility within the WRIA, and (4) all tribes with reservation land within the WRIA." (Mucken, 2014, p.13) Under the report of placed based integration studies provided by the state of Oregon, we are able to see Walla Walla operating as Regional entity under the circumstances of initiating governments through collaborative partnerships. The multiple agencies and those like the WWBWC and their involvement with Watershed Divisions is a strong indicator that planning in the Walla Walla WRIA extends much further than the county.

Compared to the Place-Based Integrated Water Resources Planning documented provided by the State of Oregon, Walla Walla's Watershed management fits the criteria that recognizes Regional Collaborative fundamentals that are leading to its success, where others have failed. Size challenges face the Walla Walla basin but with the help of join partnerships at the regional level we are seeing positive progress in the approach to managing a diverse watershed. "One of the major challenges of taking on a regional, more

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integrated approach to water planning is that in any given basin, there are multiple parties and interests to convene. These include irrigation districts, municipal water providers, conservation districts, watershed councils, drainage districts, wastewater and storm water utilities, local governments (counties/cities), recreation, and environmental groups” (Mucken, 2014, p. 21).

As discussed previously, the Walla Walla Watershed has accomplished these challenges through their collaborative partnerships, indicating strength in numbers. The example of WWBWC is fine case of a regional approach, as the have branches located in both Oregon and Washington state operating Watershed Management. Walla Walla has become successful based on its placed based approach of the watershed that affects many downstream. Due to the size and complexity of the Walla Walla Watershed it needs an integrated approach in managing the diverse area. Which through our research has indicated that this approach is being executed through joint-partnerships from the state, forest, tribe and local level of agencies connected to each. “Before projects can be implemented in the name of the partnership, participants must forge agreements about what should be done. The most basic agreements simply outline the partnership's goals or principles. In more advanced agreements, members of the partnership pledge to implement specific actions.

Some partnerships are able to write and adopt a comprehensive watershed plan that integrates many specific projects or policy positions.” (Leach, 654) We find that the case Walla Walla’s Watershed Management has taken a more advanced approach in meeting the partnerships goals, due to the diversity of members on the board of the WWBWC. Watershed planning and assessment in the Walla Walla basin has proven to be more extensive than just a legal contract. As our research has shown the incorporation of multiple government agencies reveals Regional Collaboration through the case of Walla Walla’s Watershed Management.

Multiple actors working to achieve goals that benefit multi-jurisdictional environments describe regional governance. Walla Walla Watershed Management is unique to its place and to those involved, however there efforts of collaboration around a shared environmental resource have become an increasingly common collaboration site. The successes WRIA 32 has had in water conservation, ecological restoration, salmon recovery, and augmented in stream flows is a result of actions that support regional governance in most situations. Good regional governance happens when the benefits out way cost of transaction and results from stakeholder involvement, and local participation, which are the case in Walla Walla’s WIRA management. Ryan’s article Collaborative Watershed Planning in Washington State: Implementing the Watershed Act describes collaborative watershed planning as “a preferred tool with which to address the issues associated with balancing environmental concerns and consumption uses of water” (2005, p 492).

Often planning efforts arise from a local planning group, which is certainly the case of Walla Walla’s management, which was founded with local stakeholders in coordination with the Washington State Department of Ecology. By being locally founded Walla Walla’s

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WIRA is managed by a diverse group of stakeholders and is able to address many more perspective needs.

The stakeholders represented in WIRA 32 include, water users, tribes, different cities, counties, conservation groups, agricultural farms, environmental interest groups, and higher education (Washington State Dept. of Ecology, 2013). Smolko also speaks to the importance of meaningful stakeholder involvement by creating an environment that facilitates and supports local planning efforts. Smolko uses Pierce County, WA as an example of watershed management that similar to Walla Walla involvement is key and their goal is to “generate solutions that were different from those which were not effective in the past and to enhance the level of education, awareness, advocacy, and political will within each watershed” (2002, p 983).

Environmental areas becoming typical arenas for collaboration Regional governance is backed up by Bentrup’s writing and says difficulty can arise because it involves many different municipalities all with different interest and needs. The collaboration of many parties can bring challenges in the area funding, interagency trust, and incentives for coordination. Bentrup’s article suggest interagency trust can be difficult because of conflicting interest represented by different groups but suggest that establishing trust between different stakeholders is very important and can be built with informal face to face dialogue and field tours of the watershed together. Interagency coordination, incentivizing participation, and technical expertise are all important aspects of collaboration and Walla Walla has managed to rise to the challenge of meeting these and turning them into tools to achieve an overall healthier watershed.

Conclusions

Despite a long history of conflict over water, Washington has made efforts in redirecting planning efforts in a fair and sustainable way, promoting local participation and representation of different watershed stakeholders. With the adoption of the Watershed Planning Act, Walla Walla’s watershed management stands out, in our view, as successfully collaborating on multiple jurisdictional and cross-border levels. The research in this report suggests that regional collaboration is absolutely necessary in this environmental planning initiative, and treatment of environmental issues in fragmented and uncoordinated ways simply would not result in any of the successful outcomes that the Walla Walla watershed has been able to shape.

Interviews with the Umatilla tribe suggest strongly that inter-participant trust can be built, and that a legislatively-supported partnership is among the chief accomplishments so far. In just a few years they have been able to coordinate efforts among a large group of different community stakeholders that cross community, county, and even state lines. The partnership has experienced success in restoring water quality, in stream flow, and maintained water rights while also providing services to community water rights holders. While the partnership has had a successful start, though, it still remains to be seen if this ten year pilot program will be able to reach its cull capacity and enhance its goals.

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Our research thus suggests many positive findings and some challenges within the basin. Limitations include the university quarter system, which does not allow for a flexible timeline and much more research needs to be done to make any robust claims beyond our observations and limited interviews. The future of Walla Walla's water basin nonetheless appears to us to have great potential for continued improvement in management of water quality and uses. In the future our research suggests that continued special attention should be given to participation policies, programs, and rates among watershed communities: higher participation will bring more diverse perspectives, strengthen regional coordination, and bring increased benefits to all involved, including increased water quality, environmental improvement, habitat restoration, and protection of community water rights.

Regional collaboration in the Columbia River Gorge National Scenic Area

By Matthew Hall, Whitney Hays, Shanna Schubert, Cheng Wang

The Columbia River Gorge National Scenic Area is a place with a deep and rich history. "It was a trade route for Native Americans, a pathway for Meriwether Lewis and William Clark, and a link on the Oregon trail" (Adler, Abbot, Abbot pg 49). The National Scenic Area (NSA) spans across two states, numerous counties and jurisdictions, as well as the Nez Perce, Umatilla, Warm Springs, and Yakama Indian tribes. With so many parties wanting a piece of the pie, how do you appease everyone while ensuring no one's rights are violated? One way is to create a commission. In this case, it is called the Columbia River Gorge Commission and it is currently responsible and undertaking tasks to include the matters of economics, climate, resource management, and the involvement of communities and tribes surrounding the area. The Commission allows representatives from all surrounding localities to come together and have a voice in regards to the scenic area. While there will always be difficulties when dealing with such a wide spread and varying amounts of ideas and objectives, the Commission might be the best way to ensure the majority of the community is spoken for, and the detractors at least have a platform to voice their concerns.

Background

The Columbia River Gorge Commission, enacted by Congress in 1987, has a very structured and formal regional collaboration with many of the surrounding jurisdictions in the area. It includes legal acts of Congress and a compact between the states of Oregon and Washington. The Commission's meetings consist of policy issues, policy initiatives, and appealing government decisions. The collaboration team includes US Forest Service, four Columbia River Tribes, six counties, thirteen urban areas, five ports, and dozens of interest groups and landholders. The National Scenic Area, which the Commission is responsible for preserving, includes 292,500 acres of world-class landscape, includes farms and forests, rivers and wetlands, grasslands and talus slopes and communities that forms the only National Scenic Area that has both public and private land use (CRG NSA, 2013).

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The Columbia River Gorge is named as one of the world's Top 10 Sustainable Destinations (National Geographic Traveler 2009) that reports that the Gorge “is in excellent shape, relatively unspoiled, and likely to remain so.....the two states have done an incredible job of managing and protecting the resources and views....some of the best land preservation programs in the nation” (CRG NSA, 2013). The Columbia River Gorge is not only the home to great scenery and resources, but also includes recreational use, local economic development, and sustainability. The values and mission of the National Scenic Area are protecting and enhancing the scenic, cultural, and recreational resources of the Columbia River Gorge and supporting and protecting the Columbia River Gorge economy, to make future economic development consistent with resource protection.

Concerns/Limitations

Michael Kern, Director of the William D. Ruckelshaus Center of Seattle, Washington (M. Kern, personal communication, November 7, 2014), explained how the creation of the Columbia River Gorge Commission was an extremely controversial decision by the jurisdictions involved. It was determined by jurisdictions within the area that there was an obvious need for a unique structure (the Commission) to manage such a widespread area and all that it included. With multiple jurisdictions attempting to manage one mammoth amount of scenic area, it was necessary for such an entity to be able to gather representatives throughout the region, from all counties and municipalities, to arrive at decisions that were made collaboratively.

Although many parties were interested in the creation of a structure to govern the scenic area, getting so many interested parties to work together is not a simple task. The decision for the creation of the Columbia River Gorge Commission in 1987 was made with both support and opposition (M. Kern, personal communication, November 7, 2014). Since the creation, opposition has still remained against the Commission to jurisdictions who, instead of viewing the Commission as an entity to help the progress of jurisdictions, view the entity as an additional layer of government. Kern explained that the jurisdictions in opposition of the creation of the Commission felt that the entity would be interfering with the rights of individual jurisdictions and cities. This instance would then hinder any furthering collaborative decision makings across the region. Just as Kern discusses these issues, Darren Nichols, the Executive Director of the Columbia River Gorge Commission, also brings light to the importance of understanding the large commitment involved with regional collaborations (D. Nichols, personal communication, November 5, 2014).

One crucial part of the cooperation includes the Native Tribes with their different outlooks and goals, who do add an element of challenge to the shared vision. Nichols also stresses the lack of understanding between all parties involved and their specific roles to enhance the greatest potential for the scenic area. It is difficult when dealing with such a large collaboration with such a large variety of values and interests to keep one shared vision, working together to achieve it, and taking roles and responsibilities and commitments as seriously as required for the success of a regional collaboration. To do this, the Commission has had to work hard to maintain a very structured collaboration, ensuring the success of all aspects.

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Michael Kern also informed about one specific issue that the Commission dealt with that has created a great amount of unrest within the region is the subject of urban boundary lines between jurisdictions (M. Kern, personal communication, November 7, 2014). The National Scenic Act gave the Commission rights to make “minor” adjustments to the jurisdiction boundary lines and also to oversee the implementation of such “minor” changes. This word “minor” was not defined and when the controversy came up, it was left up to the Commission to define “minor” and to decide how to implement changes.

This was a problem for many jurisdictions that felt that they should have a say or vote in what was happening with their own urban boundary lines. But instead, just as many opposing jurisdictions had anticipated, the Commission overpowered the individual jurisdictions and was given permission by Congress to make their own determinations and decisions. It can be noted that the issue of boundary lines throughout the Columbia Gorge area still remains a concern currently and is still being worked to solve (Columbia River Gorge, 2013). Although the Columbia River Gorge Commission works to create a collaborative framework for the huge area that it oversees, issues remain and continue to come up that are not being weighed collaboratively, leaving jurisdictions frustrated and not encouraged to work together for the overall success of the region.

Achievements

The creation and establishment of the Columbia River Gorge Commission in 1987 was a monumental move towards regional collaboration throughout the Columbia River Gorge region.

Darren Nichols, described the actions of the Commission as “pioneering innovation” (D. Nichols, personal communication, November 5, 2014). Nichols reports that the Commission is currently focusing on economic aspects, climate change, resource management, tribal, and community involvement. The organization is also working towards being a model for sustainability through their unique system by presenting a new idea of sustainability and regionalism. They have achieved community involvement, specifically through the William D. Ruckelshaus Center of Seattle and creating a respected and effective relationship with them. They have formed regional recreational strategy with tribes and have also expanded their regional visions from short term to long term.

Years after the Commission’s creation, Nichols asked the William D. Ruckelshaus Center (along with the Oregon Consensus) to engage in a collaborative engagement assessment to evaluate the Commission and all included parties and find what their key issues were and how they could improve. This elaborate and detailed assessment was released in September 2002 and gave key insight to multiple issues that the Commission could work on to think more collaboratively in terms of planning.

Michael Kern noted that this was the first time that the Commission had been evaluated as an entire entity and being able to be investigated through an outside agency enabled the Commission to look at their structure from the outside to see the internal issues they were experiencing (M. Kern, personal communication, November 7, 2014). The assessment team conducted more than eighty interviews of individuals who had a direct

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connection or interest in the Columbia Gorge area (Oregon Consensus, 2002). The conducting of this widespread collaborative engagement assessment was a large step in the Commission's mission to collaborative regionally throughout their territory. Becoming aware of the obstacles that were hindering the Commission's advancement only better focused their work.

Nichols also marked this relationship between the Columbia River Gorge and William D. Ruckelshaus Center as a milestone in their growth as a model of a successful regional collaboration. He also put emphasis on keeping an open mind to any new additions to the collaboration, thus creating room for unexpected growth such as this situation. Being open to additions and changes has granted the Commission to become a model for regional collaboration and protect and promote the National Scenic Area.

Discussion and Interpretations

The Columbia River Gorge National Scenic Area and the collaborations included between the states of Washington and Oregon aim to enhance the credibility and the trust among both local and rural and city authorities in order to create the best condition for the region and local government of the area. This type of collaboration is explained in the examined literature that explains that many problems of cooperation are complex and the responsibility needs to be solved by multi-jurisdictional, multi governmental and multi sectoral ways (Abels, 2012). This is one of the reasons why the Columbia River Gorge Commission has so many departments involved in its visions. Per the literature, regional problems are best solved by using collaborative approaches (Carr and Wilkins, 2013). A complete and good collaboration can help the participants to understand each role in the Commission and improve the communication between local governments and residents. The processes of regional collaborations must be built as a complete service sharing agreements between all parties involved.

"The rationale for regional governance has become efficiency and equity" (Norris, 2001). The metropolitan reform including the new rationalists shares a good deal in common with the earlier generations of researches and advocates the same regional governance. This is especially important because old and new regional advocates are shifting from individual economic competitiveness to support for regional governance. This is specifically what the Commission has aimed to create. Instead of each jurisdiction for themselves and working to make their government the best, the Commission aims to take the best of each locality involved and create a framework where all parties are heard to push the most efficient success throughout the region.

Conclusions

Richard Feiock (2007: 47) once asked, "To what extent can voluntary cooperation and coordination among local governments provide solutions to regional problems confronting metropolitan areas" In the case of the Columbia River Gorge, it can go a long way. It can bring jurisdictional leaders together to voice their concerns, it can pass judgments to make decisions for the betterment of an entire area, and it can also give a platform for proponents to voice their concerns. It is still not a perfect system and is

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consistently in a state of flux and the effectiveness of such a commission will always be based on a sliding scale. We conclude, though, that the benefits of the Columbia River Gorge Commission do outweigh the price of not having one. It can be used as an example for other governing bodies to create their own commission and can also be used as a barometer to their success and failure. While the Columbia River Gorge is not a perfect setup, it is a great model in the making, reaching towards further success of regional cooperation in the Pacific Northwest.

“Sovereign Regionalism: How a tribal nation operates in an alien land”

By Seth Lundgaard

“Two Indians get dropped off by their Indian friends at a bus station and the driver asks...

You guys got your passports?

Passports?

Yeah, you’re leavin’ the rez and goin’ into a whole different country, cousin.

But...but, it’s the United States.

Damn right it is! That’s as foreign as it gets. Hope you two have your vaccinations.”

Common Knowledge

The history of United States Government policy, involving the assimilation and termination of Native American Tribes, has played a lead role in the uniform results of economic deprivation spread across the nation in Indian Country (Pickering, 2000; Hibbard, 2006; Keys, 1997). U.S. policies that were supposed to encourage Indian economic development have simply served to foster Indian dependency on federal aid programs (Pickering, 2000). U.S. Government signed treaties with Tribes to reserve territorial and cultural rights for Tribes have been largely ignored—even ridiculed. Indeed, a Washington State Game Warden is famously quoted telling a Nisqually Indian, “Your treaty isn’t worth the paper it was printed on” (Heffernan, 2012). The practice of wrong policy choices and injustice by the Federal and State governments against the American Indian and Alaska Native (AI/AN) people is widely accepted as common knowledge. Also, the idea that the government should reconcile these injustices is not very controversial either. Today, the question regarding AI/AN treaty rights isn’t so much about justification. Tribes won that battle. Tribes are sovereign nations with treaty rights guaranteed by the Constitution of the United States. No, today, tribes have different problems; jurisdictional problems related to the environment, land use, and water rights—which regularly exceed the physical limits of their reservations.

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As one could imagine, problems that exceed the boundary lines of jurisdiction often have conflicting interests. These conflicting interests often produce conflicting outcomes which are often interpreted for how they infringe on established powers and authority. County officials don't like their interests being reproached on land use issues. City officials don't like their jurisdiction being reduced on planning issues. State officials don't like their authority being minimized on regional issues (i.e. the environment) and Tribes don't like cities, counties, and states challenging their constitutional right to act as a sovereign nation with independent interests. In Washington State, these are very real problems affecting the consistency of development across reservation and non-reservation lands. However, cooperation is favored on both sides of the table as a preferable means to resolving their issues (Zaferatos, 2004b).

A very well-known model of multi-jurisdictional cooperation between Indian and non-Indian governments is the Swinomish Indian Tribal Community and Skagit County affiliated governments. Indeed, their model has succeeded in passing dozens of land use intergovernmental agreements and won national awards and acclaim (Honoring Nations, 2001). But it's been 20 years since their golden era of governance. How has the Skagit/Swinomish model fared during this time and what is the political climate like now? Is the Swinomish tribe happy with current circumstances affecting their shared region? Are Skagit County governments happy with circumstances in their shared region? What are the conflicts today and how are they being resolved? In the absence of any new and significant reports for the past decade these questions are important to the current progress of regionalism in Washington State, especially in consideration of regionalism as it portends to sovereign tribal interests on the reservation, and in the area. This paper will investigate the current status of this local "model of cooperation", its historical development, and potential impacts for the future of tribal regionalism in Washington State.

A Brief History of Struggle and Trepidation

In telling a story on reservation planning, it would be errant to overlook two era's in recent American history on U.S. Government policy affecting American Indian and Alaska Native people that have shaped the reservation, geographically and politically, into what it looks like today. The first policy being the General Allotment Act of 1887, aka the "Dawes Act"; and the second, the Indian Self-Determination and Education Assistance Act of 1975—or simply the Self-Determination Act.

The General Allotment Act of 1887 split up a Tribe's land holdings into individual title. This policy was meant to assimilate Indian economic activity into the mainstream American economic machine. However, the 1928 Meriam Report, commissioned by the Secretary of the Interior in 1926, concluded that the Dawes Act did not improve Indian economic development and indeed made it only worse. The Meriam report documented reservation conditions of austere destitution, high mortality rates, appalling housing standards, and severe land loss (Hibbard, 2006). From 1887 to 1934 (abandonment of policy) Indian land holdings dropped from 136 million acres to less than 50 million acres across the nation (Reynolds, 1997). In other words, over a 47 year period, Native Americans either sold or lost title to 63% of their treaty reserved land. Some may argue that the Indians sold the land

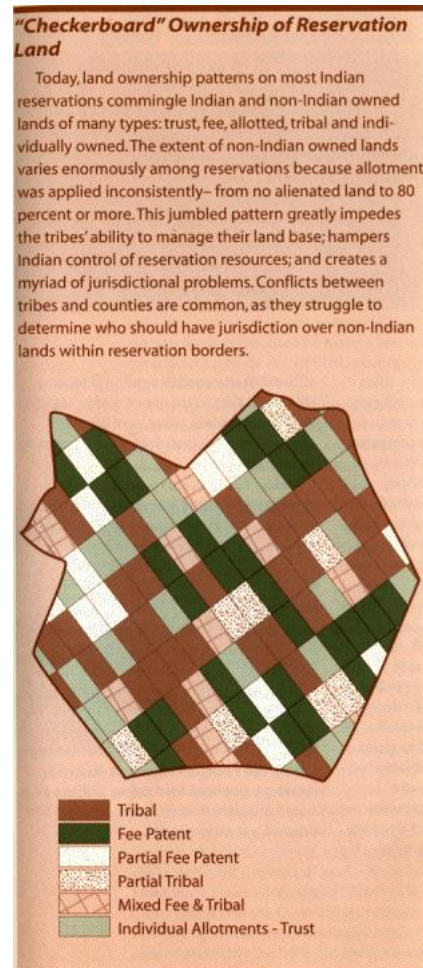
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so what do they have to be upset about? I would push back and argue that those Indians had no idea what they were selling because they never thought of land as a commodity in the first place (Zaferatos, 2004a). The thought of purchasing and selling land was as foreign to them as the value of a \$100 bill is to a 4 year old.

The Dawes Act (and era), in particular, shook Tribal Nations to the core and the aftermath can still be seen today with “checkerboard reservations” where ownership is often split between Indians and non-Indians, trust land (Indian) and fee simple or fee patent land (typically non-Indian). This split is generally referred to as the percentage of *alienated* lands. For example, of the 9 original Puget Sound treaty tribes with total original reservation acreage of 83,949—50,940 acres of that have been alienated (Zaferatos, 2004a). This means that tribes, which are sovereign nations, are in a situation where 60.7% of their reservations are not owned by Indians. This situation has wreaked havoc on Tribes being able to uniformly assert land use control over reservation land, which will be talked on at length later.

The 1960’s and 70s in America was an era of change. For the Native American, the 1960’s, 70’s, and 80’s saw a hard fought age for change and reform in U.S. policy towards tribal nations. But, change did come and in 1975, after years of litigation and protest, the AI/AN community won their battle to finally have their sovereignty nationally recognized (although not fully) with the Indian Self-Determination and Education Assistance Act of 1975. This Act enabled Tribes to directly administer education and other federal assistance services—a duty previously administered by the Federal Government—to their own people. This was a complete reversal of previous policies by the U.S. Government which (as Tribes expected) led to increased tribal participation and control over tribal affairs (Henson et al, 2008)—a goal long fought and sought after for by AI/AN leadership.

Up until 1975, the federal government had largely played the paternal role for Native American tribes which solely served to perpetuate a cycle of dependency (Pickering, 2000). After the Act was passed, Tribes now had played an active role in the betterment of their own nation. Not to say that this single piece of legislation turned all the lives in Indian Country around, indeed many scholars think Self-determination to have been forced on Indians. But the truth is, the Self-determination Act didn’t give Indians any new rights, it simply reversed U.S. policy and recognized tribal sovereignty (Henson et al, 2008) which was a right step in the right direction.



Enhance Regional Decision Making Civil Rights and Fish Wars

While the Civil Rights movement was playing out in court cases like “Brown v. Board of Education” and the protests and “sit-ins” across the South in the 1950s and 60’s, so too were court cases like “Puyallup v. Department of Game” and the protests and “fish-ins” happening in Washington State. Indeed, in no other state can a climate of Indian activism, such as it was, be better exemplified than what was going on in Washington. Where Indian protests during the “Fish Wars” of the 60’s and 70’s put the AI/AN treaty rights struggle on the front page of newspapers across the nation (Heffernan, 2012). At the heart of the debate was the treaty specific right to fish “in all usual and accustomed places...in common with all citizens of the territory” (Woods, 2005). This struggle turned into litigation which eventually found its way to Western Washington District Federal Court where the Hon. Judge George Hugo Boldt, in 1974 (before the Self-determination Act), found the language in the Stevens Treaties (treaties signed between Northwest Indian Tribes and Territorial Governor Isaac Stevens) to affirm Indian claims with respect to their treaty rights. This was a landmark decision, known as the “Boldt Decision”, which introduced governing policies recognizing tribal treaty rights that had never before been acknowledged.

Trials and Tribulations

So Tribes finally had the attention of the State, but what did that mean for them? In the beginning—not a lot. The mid and late 1970’s were a slugfest of suits and confrontations between the Tribes and State on how to implement the Boldt Decision—with the only clear winner being the attorneys they were paying. Tony Meyer, Director of Outreach and Education with the Northwest Indian Fisheries Commission (NWIFC), explains:

Immediately following the Boldt Decision, Tribes and State were now co-managers but neither side trusted each other, and they argued about all their data...and Tribes and State spent most of their time in court, in these, we call them, fishery advisory boards, to try to work out how we were going to manage these fish. And so they would be in these things every day, almost...and they were spending all their time in these fishery advisory boards [instead of] out there managing the resource. (T. Meyer, personal communication, 2/14/2014)

Two things must be highlighted from this quote: “they argued about all their data” and “spent all their time in these fishery advisory boards (FAB’s) instead of out there managing the resource”. Sometimes it is assumed that data and science is infallible or, at least, easily agreed on. But that is a misconception and especially in this situation. Indians were coming with their data and the State was coming back with theirs. Not to say that either side was right, what should be understood is that somewhere in the muck, there was truth and that truth had to be agreed upon through some form of negotiation. This example of unproductive disagreements will be referenced again.

Unfortunately, this trend of relentless FAB’s, litigation, and mismanagement persisted into the 1980’s where in 1983 there were 66 court actions on fisheries management alone (Reynolds, 1997). Then, in 1984, there were none. Zero court actions

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were registered in 1984 and this was by no means a coincidence and it began with a conference on March 2nd in 1984 at the Admiralty Inn, located in Port Ludlow, Washington. Leaders from Northwest Tribes and the State came to the same table, set aside their bickering and began to figure out how they could settle their problems outside the courtroom. Nisqually Tribal Leader Billy Frank Jr. declared, “We don’t want nobody coming through that door that’s going to be negative. We don’t have time to sit here and talk about the past...This is where we’ll talk about what’s going to happen in the future” (Larsen, 1984).

Golden Period of Cooperation

You had to have been there. For those who were, the pages that follow will serve as a reminder. For those who were not, as you read about the discussions that took place and the subject that was covered, imagine a spirit that filled the room, a spirit of enthusiasm, cooperation, and determination that was ever-present. Only then can you flavor what really happened.

--‘Salmon Summit’ of 1984

(Tribal/Department of Fisheries Conference, 1984)

Again, in 1983 there were 66 court actions registered; in 1984 there were none. This was a profound change of course for both sides, but why? Surely not just because of one conference? The simple answer, leaders stood up and the Northwest Renewable Resources Center, a neutral 3rd party organization for conflict mediation, was born. Landmark agreements like the Puget Sound Management Plan of 1984, which was the first plan that the Tribes and State jointly crafted and agreed upon, came out of negotiations that were assisted and mediated by this third party Center. That is significant enough to repeat; the Puget Sound Management Plan of 1984 was the first jointly produced co-management document, and from that, as Tony Meyer with NWIFC points out, “there was a golden period from the early 80’s to the early 90’s where there was just a lot of cooperation, a lot of good work being done” (T. Meyer, personal communication, 2/14/2014). Other cooperative initiatives going on during this golden period were: the Timber/Fish/Wildlife Agreement of 1987, which coordinated a flexible and responsible approach to forests management; and the Chelan Agreement of 1990, which established a cooperative planning and decision making process that balanced the needs for Washington’s water resources (Brown, 1994; Reynolds, 1997). All of which were, again, facilitated by the Center (Zaferatos, 2014).

The progress made, outside of the courtrooms, in the late 1980s from these agreements was immeasurable but the signature achievement of this cooperative spirit was the Centennial Accord of 1989. Unprecedented in national history, Washington State formalized their “government-to-government” relationship with tribes in a proclamation on their hundredth-year anniversary which bound all state agencies, governments and tribal governments to implement processes and terms that would establish each other as equal and sovereign governing counterparts (Steinman, 2005). This was a complete reversal of centuries of policy practice exercised by Washington State, whereas instead of a policy being made against or for Washington Tribes, this policy was actually made *with*.

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In reflecting on what made all of this possible, I'll draw back to the founding policy principle that I mentioned in the beginning of this paper: Indian sovereignty (Hibbard, 2006). Without the implicit decree of a treaty being negotiated by sovereign nations, progress on Indian treaty rights would have been impossible because Tribes would have had no legal right to litigate. However, there was—and still is—considerable grey area surrounding the exact sovereign nature of AI/AN tribes and, as Erich Steinman (2005) points out, “while judges had affirmed tribal sovereignty, the technical legitimacy of this legal principle did not compel state officials to take actions beyond acknowledging the narrow tribal rights it justified and which were specifically upheld by the court.” So, it should be noted that under the statute of law then, the State was not obligated to make the Centennial Accord—which may actually make the Tribes' and allies' achievements even more significant. Unfortunately, this narrow field of legally justified tribal authority has been a springboard for contentious nontribal government complaints.

Up until this point, this paper has been—more or less—a primer on United States policy towards Native Americans on the National and State scale. I give it, because it would be impossible to explain the dimensions of regionalism within Skagit County and the reservation without first understanding where the struggle for cooperation and negotiation have come from. The Swinomish Indian Community and Skagit County public entities and governments have long standing agreements with each other for very unique and prescriptive reasons. The next part of this paper will examine their unique history and relationship with special consideration for an external “Center” that helped laid the groundwork for their accomplishments and indeed many others in the Pacific Northwest.

The Northwest Renewable Resources Center

The breadth of good work this non-profit organization got done in the 1980s and 90s spans between two nations (USA and Canada) and 4 U.S. States (Washington, Idaho, Oregon, and Alaska). As their title suggests and as I've previously mentioned, the Center usually mediated the conservation of natural resources; however, their involvement in mediating land use issues was just as influential and important. A large amount of my research comes from books published by the NRRC, minutes from meetings, newsletters, and other archives provided to the University of Washington from the Center upon their disbandment in 1997. It should be noted that this probably has a larger effect on the objectivity of this paper than I'd like to give credit to, but this source has been immeasurably helpful to the understanding of my topic.

The Center was established as a result of a conference in Port Ludlow, Washington back in March of 1984 from what was referred to as the “Salmon Summit” (Larsen, 1984). The State and Tribes were exhausted from the 10 years of litigation since the Boldt Decision and were desperate for another way to solve their differences. Leaders from this meeting stood up and openly acknowledged the lack communication and agreement as the number one barrier to resolving the issues of salmon conservancy and co-management. What was needed was collaboration, a team dedicated to resolving conflicts in a way that was representative and respectful of all engaged parties. Five men heard the calling: Jim Waldo, a prominent Tacoma attorney; Joe DeLaCruz, Quinault Indian Nation President;

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Boyd Holding, public affairs manager for Chevron; Billy Frank Jr., NWIFC Chairman and Nisqually Indian Elder; and John Larsen, Environment VP for Weyerhaeuser (Minutes of the Board of Directors, 1984). This list of directors grew to include leaders from every sector of industry, governance, community service, and many tribes. Former Washington Gov. Dan Evans was a Board member! The main mission: “dedicated to engaging citizens and leaders in creative, collaborative, problem-solving processes to achieve wise stewardship of natural resources for existing and future generations” (Reynolds, 1997).

The Little Tribe that Could

Hi everyone, fellow governments of Skagit County. We are the government of the Swinomish reservation and any discussion about water systems, supply, planning can't be done without us. We're here to tell you that you can't monopolize our reservation anymore because you don't have the right to do that (Zaferatos, personal communication, 11/26/2014).

By understanding what the Swinomish Indian Tribal Community and Skagit County affiliated governments have done, can and should be appreciated for what Tribes in the Puget Sound region can do moving forward into the future with respect to resolving jurisdictional conflicts and managing an inclusive and regional vision. From my research, it is clear that the Swinomish Tribe and Skagit County government have a unique place in national history; they drafted and ratified the first Memorandum of Understanding (a legally binding contract, also known as an MOU) between a Tribal and County government, establishing a formal Government-to-Government understanding with a process for joint planning. In 1996, their 1st memorandum was achieved by the ratification of their 2nd, the nation's first MOU that defined: procedures for land-use policy, water rights, specific Tribal and County responsibilities, joint permit reviewing process, and a dispute resolution method (Reynolds, 1997).

The 2nd MOU was so important because it outlined and bound the two governing agencies to specific rules whereas the 1st MOU only formally expressed agreement that they'd work together. This 1996 MOU led to the creation and adoption of the 1998 Swinomish-Skagit Joint Comprehensive Plan, under the mandate of the 1990 Washington State Growth Management Act (GMA). This achievement was the first of its kind in the nation and continues to be held up as a landmark triumph for tribal/county intergovernmental cooperation (Honoring Nations, 2010).

These accomplishments between the Swinomish Indian Community and Skagit County were monumental, but they were not accomplished without some assistance. The NRRC has been an over-riding element to each of these cooperative efforts; acting as a non-partisan 3rd party facilitator/mediator throughout each and every process I've brought up thus far. Not to overshadow the Swinomish Tribe and County's accomplishments, indeed my initial research and conversations with then Planning Director for the Swinomish Tribe, Nicholas Zaferatos, and then Skagit County Planner Gary Christensen all point to a desire for cooperation being established before the NRRC was invited to the table.

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However, the Swinomish/Skagit Joint Comprehensive Plan is broadly acknowledged as the result of the Indian Land Tenure and Economic Development Project (ILT) which facilitated the discussions for the important MOUs that laid the foundation for the Joint Comprehensive plan to be adopted (Reynolds, 1997). ILT was very different from previous projects by the Center, but the project was so successful it actually received the APA/PAW Honor Award for Special Intergovernmental Coordination.

Topical Observations

The Swinomish Tribe has made dozens of agreements with non-tribal governments over the decades since the 1980s (Zaferatos, 2014), but they haven't made many more recently. In fact, I have only been able to find two that have been postmarked since the 2000s, of which one is under suit. The one under suit is an example that should be highlighted because it pertains to regional issues like salmon protection and the environment which exceed the physical boundaries of the Swinomish reservation but are protected within their treaty rights.

This suit stems from a 2001 Skagit River Basin Instream Flow Rule that was implemented by the Washington State Department of Ecology which has the authority to regulate water levels in order to protect fish and wildlife. Back in the 1990s, after a statewide water management agreement between tribes, local governments, and the state (the Chelan Agreement) ran its course, the state replaced it with a new system of water management that was the Watershed Management Act of 1998. The Watershed Act authorized Ecology to designate specific areas with a given watershed resource inventory area (WRIA) number and required each participating government within the watershed to address water quantity, quality, instream flows, and fish habitat. The Swinomish tribe, Skagit Public Utility District, City of Anacortes, and Department of Ecology all agreed on an in stream flow rule in 2001 in conjunction with the MOU all of them signed in 1996 (the really important one that's already been mentioned). Skagit PUD Community Relations manager Kevin Tate sums up the instream flow rule like this: "Basically, it's a water-right for fish... [and] they're (Swinomish people) the driving force because from the Boldt Decision they have the right to take 50 percent of all salmon....So we work together and say "okay", we have to keep so much water instream for salmon habitat " (Tate, personal communication, 11/26/2014).

In 2003, Skagit County brought a suit against Ecology that stated this new rule essentially prevented development in the Skagit River basin. Skagit County would eventually settle out of court with Ecology, in 2006, under the arrangement of new provisions being added to the rule that would allow flexible development. However, and supported by a 2013 State Supreme court decision, Ecology's settlement with Skagit County was made beyond the scope of their authority because they did not include the tribe in the negotiations (court document) and Skagit County had no authority to make the settlement either.

This 2013 State Supreme court ruling is actually being petitioned as we speak with a court date scheduled for December 16, 2014. This new petition comes from a private

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landowner in Skagit County and seeks to repeal the 2013 ruling on grounds on multiple levels: 1) required instream flows are unnecessarily high, 2) the need for such river flows for salmon to survive is not scientifically backed, 3) instream flow rule unfairly prevents any new development that requires uninterrupted water usage. Not to be overlooked is a similar court case developing in Whatcom County in the Nooksack watershed with their WRIA, too, with regard to the efficacy of instream flow rules.

Both of these examples point to gaps in communication between affected parties but these circumstances are so complex that it doesn't help to relegate the impasse to lack of cooperation all the time. Skagit County Commissioner Ron Wesen sums it up like this: "We've had many discussions but what it comes down to is who has authority to regulate these things?" (Wesen, personal communication, 12/05/2014).

Currently, the lawsuit regarding the instream flow rule in Skagit County is playing out in county district courts, however, in Whatcom County; the Lummi tribe is seeking adjudication from the federal government because negotiations have broken down between the county and the tribe. This case in Whatcom may play out in federal court if the U.S. government agrees to take their case on in accordance with their in-trust relationship. On why the tribe is pursuing litigation against these counties, Vice-Chair of the Swinomish Indian Senate, Brian Porter said this, "Perception was that we were trying to control development... but really we're just holding the agreement between the county and the department of ecology" (Porter, personal communication, 12/04/2014).

There are examples of on-reservation jurisdictional issues at play today. In my conversations with Brian Porter he gave me several issues worth restating here: road right-of-ways, TERO tax, and tribal hiring preferences. His complaint with road right-of-ways was that the County assumed jurisdictional authority over Reservation Road which goes straight through the heart of the reservation and up towards Anacortes. By assuming authority, they are waiving the Tribe's claim to be able to tax labor physically taking place on the thoroughfare (e.g. road maintenance and construction). The tribe does have a tax, it's called the TERO tax or tribal employment rights ordinance and even though the labor is occurring within their reservation, the tribe is unable to tax these contractors because the county presumes control. Also, these contractors that are hired by the county are not required to practice Indian preference hiring—which is standard legal practice amongst tribal institutions.

What should also be acknowledged, especially in respect to the previous topical findings, has been the absence of significant litigation defining tribal land use jurisdictional rights since really the 1989 *Brendale v. Confederated Tribes and Bands of Yakama Indian Nation*. Many planning and law scholars agree that the considerable "grey area" surrounding the jurisdictional authority of sovereign tribal nations is nebulous and ineffective (Webster, 2014; Gerrard, 1990; Zaferatos, 2014). Tribes want complete jurisdictional control over reservation lands extending to the original treaty lines whether the land is owned by an Indian or not (N. Zaferatos, personal communication, 11/26/2014).

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Counties disagree with this because as Gary Christensen (former planning director for Skagit County) points out, “The biggest issue is that we needed to have fair representation on the reservation for non-tribal members.... The problem on the reservation is that as a non-tribal member, if you don’t like the decisions the tribal council is making, you have no remedy, you can’t vote them out of office” (Reynolds, 1997). These two conflicting attitudes have been well established going on four decades and still have not been resolved. The cooperative agreements and mechanisms that have been mentioned and developed over the years do serve a critical role in mitigating most claims but some claims require the courts to define, especially when the claim involves exclusive governing powers (i.e. planning jurisdiction) over another.

Other than these examples of conflict, litigation, and lack thereof—the relationship between Skagit County governments and the Swinomish tribe is actually really good, especially on the staff level. On the relationship between the Swinomish Tribe and Skagit PUD, Kevin Tate (Community Relations Manager) described it as, “We have a really good working relationship. Our connection goes back to 1996 with water rights where we have a memorandum of agreement with them” (K.Tate, personal communication, 11/26/2014). Dale Pernula, Director of Planning for Skagit County summed up their working relationship with the Swinomish as, “working with them is usually good” (D. Pernula, personal communication, 12/05/2014). When I asked the Vice-Chair of the Swinomish Indian Senate Brian Porter how he viewed cooperative and working relationship between the tribe and Skagit County governments, he responded, “more pros than cons” (B. Porter, personal communication, 12/04/2014).

With regard to resolving conflicting stances outside of the courtroom, there is no 3rd party mediator anymore. The Northwest Renewable Resources Center disbanded in 1998. I was unable to find a clear reason why. This organization, as noted above, played a key role in facilitating many of the dialogues that made the intergovernmental agreements possible between the Swinomish and Skagit County governments and their departure from the scene correlates with the relative absence of additional cooperative agreements since.

The Big Picture

In looking outside of the Skagit experience for comparable information, I have found little. Indeed this circumstance is broadly acknowledged by scholars within the Indian planning field as a wide gap in the contemporary planning literature (Zaferatos, 1998; Webster, 2014; Hibbard, 2006). That being said, the issues do have areas in common with broader themes of cooperative approaches.

For example, early on in the 1980’s the Swinomish tribe (indeed all tribes) realized that the county and state had the capacity to execute land use services that were well beyond the tribe’s capacity (Zaferatos, 2014). “Tribes didn’t have governing capacity to regulate their reservation. They didn’t have biologists on staff, they didn’t have an organization, they didn’t have all of that stuff” (N. Zaferatos, personal communication, 11/26/2014), so it was actually in the tribe’s best interest to cooperate with the county or state in order to achieve their desired goals because of their deficiencies in capacity.

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A parallel can be seen when smaller cities, with similar capacity problems, contract specialized services (e.g. police, affordable housing) out to larger cities through interlocal agreements in order to fill a service gap that smaller cities cannot financially supply. This parallel is commonly referred to as the practice of “achieving economies of scale” (Norris, 2001) which has a unique characteristic of incentivizing cities to cooperate. Many cities that enter into these agreements with each other do so to secure the stability and consistency of services for themselves, which has the significant ancillary benefit of improving regional economic competitiveness. Much literature has been dedicated to the observation of this new school of regionalism which has been advanced since the 1990’s (Abels, 2012; Feiock, 2007).

However, as tribal capacity to self-govern has grown significantly since the 1980s, the incentive to cooperate in order to achieve economies of scale for tribes has lessened. This phenomena is not exclusive to the tribal experience, as incentives for cooperation are constantly being evaluated and re-evaluated by contemporary planning scholars. Todd Swanstrom’s (2006) argument in “What we argue about when we argue about regionalism” is most relevant to the Swinomish/Skagit situation. Swanstrom argues that this new market based effort for regional cooperation is a “misnomer” because “nobody supports regional action for its own sake.” In other words, cities are not going to enter into cooperative agreements with other cities just for the sake of the region. Cities have specific interests that at times aren’t the same as other cities, which is especially true in a metropolitan region like the Puget Sound that is beholden to varying (even polarizing) social and economic demographics.

If this is true for the Puget Sound, it should be no surprise that the Swinomish and other tribes are not in always agreement with nontribal governing figures. Swanstrom explains that the goals of regional cooperation would be more easily attained recovering arguments for regionalism that emphasizes equity values over economic ones. This argument for regionalism is most applicable in the Skagit situation because it includes values that are important to the Tribe like cultural awareness and sovereignty while also reinforcing State and Skagit County’s goals of intergovernmental efficiencies.

Boiling the literature down further, and in comparing what we know about tribal regionalism, former planning director for the Swinomish Indian Tribal Community and current Associate Professor at the Huxley School of Urban Planning and Sustainable Development in Bellingham, Nicholas Zaferatos—without question—provides the greatest bulk of my secondary research as well as existing research out there. There is one piece of knowledge in particular that has guided this research paper, especially its conclusions, and that is his six lessons from the Skagit Valley Experience. Zaferatos (2014) wrote these lessons as a means to show tribal and nontribal governments how to effectively cooperate:

- 1) Regional cooperation between tribes/counties becomes possible when they employ a multiparty, government- to-government approach, cognizant of historic circumstances

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- 2) Process requires capacity to address emerging issues through some forum of dispute resolution
- 3) Longstanding barriers to institutional communication must be continuously broken
- 4) Successful cooperation cannot be forced; the commitment to regional cooperation requires personal and professional commitments by elected officials and, especially, by planning staff tasked with resolving these complex issues
- 5) Time and resources must be dedicated to education, orientation, and the development of skills among both policy makers and staff involved
- 6) Unforeseen events and problems that arise require constant monitoring in order to protect the relationship.

The conclusions of this paper will illustrate what is going right and what is going wrong with respect to these lessons and the current situation this paper has described thus far.

Conclusions

This area of regionalism scholarship is layered with so many intricacies that haven't near been enough attention from the professional planning field. As an amateur researcher and undergraduate academic it is hard for me to make conclusions. From all the research I've done and despite the lawsuits that are in court, I would still conclude that the political climate of the Skagit/Swinomish model is still one of uniquely strong professional relationships and mutual respect. Both of which are fundamentally important to the field of tribal regionalism, especially with regard to their legal status as sovereign nations. It is crucial to note the "especially in regard to their sovereign status" part because when counties, or municipalities, or the state converse or negotiate with a tribe, they must do it from the government to government approach—which Skagit County governments have long been doing. This counts as a passing grade for Zaferatos's first lesson.

Processes of conflict resolution surrounding issues from land use jurisdiction to water rights are underlined in this paper with an emphasis towards talking and cooperation. This is evidenced in the MOU of 1996 between the Swinomish tribe and Skagit County governments where clear dispute resolution protocols (e.g. advisory committees) were developed. These protocols had been in use up until two years ago while the instream flow rule appeal by the Tribe was being heard by the State Supreme court. In fact, the Tribe, City of Anacortes, Skagit PUD, and Skagit County were all active in talks on this Skagit River Flow Management Committee, but when the verdict came down from the State Supreme court that approved the Swinomish Tribe's petition, Skagit County withdrew from this committee—a clear dereliction of duty as written in the 1996 MOU. So even binding processes for meaningful negotiation were in place but and as the broad literature on regionalism suggests, there are serious limitations to regional forms of cooperative

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governance (Norris, 2001). This is a black eye on the scorecard from Zaferatos on governmental capacity to address emerging issues within the Skagit Valley Experience.

When looking at the history of the Skagit Valley experience, it is hard to imagine a mediating process that has been more thoughtful. The dozens of MOUs over the years, the impression from staff from several governing entities within Skagit County and the Swinomish Tribe all point to strong lines of communication between agencies. Indeed, I even found out through my conversations with Mr. Kevin Tate of Skagit PUD that he came up with an idea to organize a community event with the tribe and non-Indian citizens of Skagit County to celebrate the return of the first salmon to Skagit River! At first this was held outside of Skagit PUD and drew about 3000 people, but last year they moved it out to the Casino and lodge on the reservation where it drew over 6000 people and several Swinomish Indian representatives. This evolution in the commitment to a culture of cooperation and co-management was completely organic and began with a non-Indian that was not a part of the original team that began this dialogue. That means that the culture was successfully handed down where it was nurtured enough to inspire this nontribal government official into asking tribal officials if they thought it would be a good idea to celebrate together since they work together all the time too. With these facts in mind, it should be safe to say that Zaferatos's 3rd and 4th lessons were learnt.

One thing that is missing from the equation regarding the conflict in Skagit Valley, is the presence of a third party mediator. As noted already, the Northwest Renewable Resources Center played a huge role in the success of many negotiations throughout the Puget Sound region concerning sensitive topics like natural resource allocation and land use jurisdiction. The Center was well-financed, it had all the proper experience and credentials, and it provided its services at no cost to the organizations it was assisting in negotiations. This meant that neither the county nor the tribe felt like they were paying for something that they maybe couldn't explain to their constituents. Neither the tribe nor the county is willing to put up dollars to educate, orientate, or develop the skills for policy makers and staff involved so I believe lesson 5 actually hasn't been learned either.

Lesson 6 from Zaferatos is different. This lesson would actually require a greater examination of planning policies and procedures by the Swinomish Tribe in order to ascertain a valid conclusion on whether or not the Swinomish tribe is actively proposing possible conflicts in conjunction with when they propose ideas or plans for future development. After processing Zaferatos six lessons through the current circumstances of the day, the 2014 picture of the Swinomish/Skagit model of cooperative governance should be a little clearer. But there are a few more things that should be added.

Regarding the instream flow rule case, the litigation actually did come out in the Tribe's favor and the petition that's going around right now has a long way to go before being an actual and credible threat to the State Supreme Court's ruling. However, that doesn't mean that it isn't a problem for the parties involved. This petition and especially the federal court case brewing in the Nooksack watershed are important reminders of two realities of regional intergovernmental planning with tribal nations: one being that cooperation or negotiation is simply not enough to answer some of the harder questions

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with exclusive winners and losers; the other reality being a significant divide between reasonable people being unable to come to the table and negotiate varying interests.

What is really at stake in the Nooksack watershed and the Skagit watershed is conflicting scientific evidence that unequivocally proves a minimum level of water that would provide salmon safe and healthy passage through these two river systems. Conflicting data is at the heart of these debates. When asked about the circumstance in the Nooksack watershed, Professor Zaferatos returned, “this case may take twenty years, but in the meantime nothing is going to get done... Do you know how much science has to be done to put a case like this together to figure out how much water is necessary for fish? Where do you start with something like that? It’s big time stuff” (Zaferatos, personal communication, 11/26/2014). However, winding back the clock a little bit, we can see a similar situation with all the litigation revolving through Fishery Advisory Boards surrounding management and allocation of the salmon fishery—stemming from the Boldt Decision. Litigation was the art of war back then and it’s posed to make a comeback on the same platform of conflicting science and data from traditionally opposed entities. As I laid out in the history of this story, the NRRC was created to mitigate these questions of science so that the management of salmon could take priority in the interim. So what the situation needs is an NRRC which is what the political landscape is unfortunately lacking at the present time.

My final assessment of the landscape and literature and even a call to action is simply a corroborating ‘yes’ for greater clarification on jurisdictional issues on the reservation and issues that exceed reservation boundaries yet are guaranteed in the language of the tribes’ treaties (i.e. salmon habitat). Unfortunately, the present Congress may not be the best to bring a campaign to but something must be done to define the grey areas of tribal sovereignty, otherwise these scenarios will keep playing out, driving everybody mad for a long time.

“Regional Climate Action in Thurston County”

By Caleb Rawson

The Olympia-Thurston County region is comprised of seven local governments. Located approximately halfway between the major Pacific Northwest metropolitan regions of Seattle, WA and Portland, OR, Thurston County is the sixth most populous of Washington’s 39 counties – with 349.4 people per square mile, dispersed among a total land area of 721 square miles; it is also one of the fastest growing counties in the Pacific Northwest. Large industries include agricultural production, government, retail services, and private firms.

The county ranges from medium-sized cities to small towns and rural areas. The state capitol of Olympia represents the largest resident and worker populations, with the municipalities of Lacey and Tumwater close behind. Collectively, these three cities represent 111,000 of the county’s 262,000 residents, and therefore receive a majority of political and planning attention. Smaller municipalities, like Yelm, Rainier, and Bucoda surround the more

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urban north of Thurston County, depicting a clear urban/rural divide; this presents a unique need for planning decisions that account for each type of community. Suburban sprawl has dominated development patterns across the county as a whole, necessitating transportation and land-use changes when attempting to tackle climate change issues.

Strengths and Challenges of the Region

Thurston County shows signs of continued population growth in both the short and long terms. With major employers in health care, forestry, retail operations, agriculture, and state government, a strong job market exists and shows signs of significant future growth. Overall, Thurston County's central location, coupled with fast-growing populations and job markets, give it a favorable position when approaching planning initiatives aimed toward regional collaboration around climate action.

However, under the same circumstances, suburban sprawl, mono-present transportation options (overwhelmingly single-occupancy vehicles) and conflicting priorities between rural and urban regions throughout the county present difficult challenges when attempting to pursue regionalism with intent to combat negative aspects of climate change. Thera Black, Senior Planner at the Thurston Regional Planning Council, comments on the issue: "Sometimes the language that we use to talk about climate change isn't always sensitive to that [urban and rural] diversity, and in the process, we alienate individuals who could otherwise be valuable partners" (Personal Communication, February 6, 2015). Large portions of Thurston County residents depend upon agricultural and resource-driven – rural – job sectors for their livelihood, and therefore have unique priorities not always aligned with those in the more urban job sectors present in county metropolitan and micropolitan areas. As sprawling development melds rural and urban regions at rapid rates, these challenges drive regional planning agendas -- as do the needs of finding ways of increased communication and cooperation between urban and rural constituents.

Partnerships: Pursuing Regionalism

The Thurston Regional Planning Council (hereby referred to as TRPC) works countywide to pursue planning interests of municipalities and unincorporated areas alike. Consisting of 22 member jurisdictions and communities, regional planning efforts are promoted by TRPC projects, and increased rural-urban connectivity is sought after. As a part of this effort, roles for non-elected and elected officials, as well as private and public actors, present themselves. David Ginther, a planner with the City of Tumwater, presented such an example during an interview. A shared wastewater treatment plant is present on the Port of Olympia's property, treating wastewater stemming from Thurston County's northern cities. In response to increasing volumes of wastewater and threatened ecological conditions in the Puget Sound, a regional sewer consortium called LOTT was formed. Named after its participatory members – Lacey, Olympia, Tumwater, Thurston County – the LOTT agency is co-governed by the four aforementioned parties. Across the county's northern region, "LOTT facilities pre-treat water in upper jurisdictions in the same water basin, rather than the Puget Sound" (Personal Communication, February 3, 2015). This effort towards increased water treatment operations has thus far been successful while operating on a regional level under cooperative governance practices. Another such cross-jurisdictional partnership may be seen in the cooperative effort

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between InterCity Transit and Olympia, Lacey, Tumwater, and Yelm – seeking increased public transportation options for residents across the county.

Though evidence of cooperative efforts between federal, state, and local resources can be seen, particularly through the work of the TRPC, a strong local yearning for increased regional cooperation seems to be present. As example: The TRPC was recently one of 45 recipients of a Sustainable Community Grant from the U.S. Department of Housing and Urban Development (HUD). In conjunction with the Washington State Department of Ecology (DOE) and the U.S. Department of Transportation (DOT), the TRPC has been able to sign on 29 public and private partners, with funding, with the intent of creating more sustainable communities. Much of the funding is going towards land-use and transportation planning, aimed at reducing commuter emissions. However, as part of the effort towards increased sustainability, the TRPC wishes “to incorporate non-traditional GMA [Washington State’s Growth Management Act] issues into comprehensive plans.” The call was also made for the creation of performance measures established on a regional scale, perhaps in addition to the 1995 comprehensive plan already in place for Thurston County, to include these “non-traditional issues” (Personal Communication, February 6, 2015).

TRPC’s Thera Black commented that, being in a GMA state, Thurston County is ahead of many other counties across the nation, though issues like greenhouse gas (GHG) emissions, local food systems, and community livability must be considered for incorporation into updated comprehensive plans on all possible scales – regional being one of those, considering the TRPC’s existing structure. The aforementioned suggestions may all, at their most basic values, be equated to taking steps toward the creation of more sustainable communities, aligned with the mission of the Sustainable Community Grant and others like it. However, as Black points out, in order to successfully complete many of the well-intended actions against negative effects of climate change, regional cooperation is vital; perhaps most obviously seen by planners while participating in land-use actions, which frequently cross jurisdictional boundaries. As climate *change* issues continue to sprawl over jurisdictional lines, it may become more necessary to treat climate *actions* with the same type of regional cooperation seen by municipalities during cross-boundary land-use decisions.

Efforts of individual constituents: Tumwater, Thurston County, the EPA

Individual cities are looking for ways to participate with their regional counterparts, while coming to mutually beneficial ends. David Ginther, a planner with the City of Tumwater, stated in an interview that regions see “better products, better services overall, when collaboration is used” and provided evidentiary examples within Tumwater. Ginther stated that the city and county already have a joint comprehensive plan in place, pertaining to unincorporated areas that happen to fall within current city limits, such as The Highlands community (Personal Communication, February 10, 2015). Within these areas, set in the state’s GMA and various municipal boundaries, the city and the county cooperatively provide public works services to residents. Via this sharing of responsibilities, residents of either the City of Tumwater or Thurston County receive public utilities services, while the county and city split operative costs; benefitting the residents, the city, and the county consecutively. City of Tumwater Mayor, Pete Kmet, discussed the Urban Corridors Taskforce within Thurston County, which is working towards creating more mixed-use, dense urban development in order to align local metropolitan regions with goals put forward by the state’s GMA. Mayor Kmet stated that, in order to ensure

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regional transparency and efficacy, a regional steering committee was created that includes representatives from the TRPC, Lacey, Tumwater, Olympia, and Thurston County (Personal Communication, February 24, 2015). According to both Mayor Kmet and Mr. Ginther, it becomes evident that alternative means of regional collaboration have the potential to benefit wide varieties of participants, either through the sharing of resources or responsibilities.

City Administrator for Tumwater, John Doan, commented on approaching climate action through regionalism, stating that municipalities throughout Thurston County are, largely, already cooperating on regional scales when it comes to land-use and transportation issues. However, Doan believes that in order for more direct forms of climate action – such as “...an Energy Conservation Grant, or something similar...state, and possibly federal participation must be utilized (Personal Communication, February 24, 2015).” This sort of ‘upper-level’ interaction naturally extends cooperation beyond municipal boundaries, considering the extensive territory under rule of state and federal actors. One example of such a regional effort may be seen through Thurston County’s acceptance of a grant from the Washington State EPA, under the National Estuaries Program, which has been put into operation at a regional scale defined by watershed boundaries. As described by Thurston County Long-Range Planner, Allison Osterberg, the county partnered with the TRPC, as well as state and federal agencies, in order “To combat pollution associated with storm-water across jurisdictions (Personal Communication, February 20, 2015).” In this specific case, a watershed boundary, rather than municipal lines, seems to work well towards the promotion of regional cooperation when tackling pollution issues, which, according to an official at the EPA’s Washington office, “commonly work their way across media” (Personal Communication, February 9, 2015).

Tumwater’s David Ginther described a collaboration that seems to resemble a barter-type system. In this case, the City of Tumwater made a trade with Thurston County. Agreeing to grant permission for county use of a fiber-optic line owned by the city, Tumwater receives GIS data, attained by the county, to be put towards land-use analysis and mapping across city and county regions. Another example of out-of-the-box collaborations when taking climate action may be seen in the Thurston Tribes Project, which seeks to incorporate groups whom traditionally are underrepresented, like Thurston County’s tribal populations. From a public health approach, the Thurston County Health Department is partnering with various tribes to pursue increased sustainable agriculture and development as a way to take regional climate action. Mutual benefit is the driving force behind the collaboration, as tribes receive their desired public health and agriculture goals, and the county moves toward their desired increases in climate action initiatives (Personal Communication, February 24, 2015).

According to Thurston County planners, there appears to be increasing potential for non-governmental actors to become involved in regional climate action efforts. Thurston County’s long-range planner, Allison Osterberg, believes that there is a role for NGOs, which can do things governmental organizations may not have the time, resources, or authoritative freedom to do. According to Osterberg, NGOs can effectively serve as advocacy groups which synthesize information and knowledge in order to bring “best-practices and new approaches” from other places back to Thurston County (Personal Communication, February 20, 2015). Mayor Kmet, City of Tumwater, displayed a desire for increased cooperation between private and public sectors when approaching climate action, such as energy usage reduction programs. Mayor Kmet stated that gas and power within Tumwater – and most of the surrounding area - are

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provided by Puget Sound Energy (PSE). That being the case, the city does not have access to individual energy usage data (PSE being a private business) and therefore meets great difficulty when attempting to tackle energy usage reduction. According to Mayor Kmet, regional efforts on climate action would be vastly improved if information was shared more between private (i.e. PSE) and public (i.e. Tumwater) actors (Personal Communication, February 24, 2015). Such a call for increased data and information sharing appeared to be common among those interviewed. A member of the EPA's Washington regional office called for the creation of a "collaborative, central database." Commenting how access to information – specifically a GIS database which can visually represent climate change indicators and measurements – can serve as a means to connect private industries and governments in order to tackle climate action issues (Personal Communication, February 9, 2015).

Moving Forward: Conclusions and Considerations

After speaking with individuals living, working, and recreating in Thurston County, it becomes evident that alternative means of regional collaboration have the potential to benefit wide varieties of participants -- either through the sharing of resources or of responsibilities. Increases in data and information sharing between constituents – whether they be from within the private or public sector – may be seen, and show promise of becoming more common on regional scales. Across Thurston County, the issue still remains that there seems to be a fairly distinct divide (and lack of cooperation) between urban and rural representatives, as discussed in this study by the TRPC, Tumwater, and Thurston County, specifically. Considering that private industries already, so often, operate in manners reflecting regionalism, increased cooperation between public and private sectors may prove to be a viable way of bringing together rural and urban members in order to approach climate actions as a unified region, rather than as a segmented patchwork of municipalities and jurisdictions.

General Conclusions

This occasional paper has reported on only a handful on the many kinds of experiments in regional planning now occurring within Washington State. It was written by undergraduate students at the University of Washington, Tacoma in the context of a one-quarter "capstone seminar" offered in the Urban Studies Program. Put another way, this paper is the result of a class project. Time was short; nobody got paid.

None of the experiments addresses comprehensively the full range of key development challenges in their respective areas. In general, these experiments, though all diverse, rich, and instructive, do not reflect major institutional-structural reforms -- for example, the consolidation of existing government units or the creation of regional governments with significant oversight powers. While the WRIA processes discussed in the Walla Walla case – and indeed the (unique) Columbia Gorge Commission – do suggest the importance of higher-scale state-legislative changes for local successes and challenges, regionalism in Washington is, we thus conclude, probably about less ambitious, less threatening, and more politically viable efforts to build incremental, horizontal, voluntary

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“collaborations” of various kinds. Even relatively focused (and in our view mild) efforts at administrative consolidation for purposes of efficiency gains – such as the City of Walla Walla’s recently disbanded joint-planning services with Walla Walla County – have faced difficult obstacles. For some scholars and practitioners, this signals a rather limited horizon ahead, wherein the planning profession can only “enhance” a severely truncated dream of regional planning and regionalism.

That said, we have emphasized the benefits that, in our judgment, flow from *additional regional processes of decision-making* – or what we have called “regional value added.” When otherwise fragmented and often competitive local communities nonetheless manage to recognize key challenges as “cross-cutting issues,” they invariably enhance their social capacities/civic capital (know-how, networking, education, cultural values, civic capability, and trust). Good things happen. Using a traditional and often reviled institutional vehicle for collaboration, for example, we were (pleasantly) surprised to learn that the Yakima CoG has made homelessness a “cross-cutting” issue. Yakima shows how problems around social equity and social justice require appropriate attention at multiple scales of planning – and certainly the regional scale.

This and other cases also show the importance of local (i.e. elected) political leadership, without which professional efforts languish. Perhaps immediate attention is needed, then, to locating (and better networking) local *elected* officials around the state of Washington who invest their time and talent in building “regional value added” in their communities – finding those who are not threatened by regionalism, but recognize it as part of the chain of crucial work needed to make all communities prosperous, sustainable, and just. Perhaps such a network might then allow us to figure out over time, inter alia: “better ways to use our MPOs”; better ways to work productively with our tribes, as seen in the Swinomish case as well as other cases; better ways to integrate non-profits and the private sector, as seen in most of the cases; and better ways to find “out-of-the-box” solutions to multi-scalar problems, as discussed in the climate action case.

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