

December 11, 2024

To: Lucas Patzek and RCD Colleagues for Napa Watershed Symposium Attendees

From: Scott McCreary, Ph.D, President, CONCUR, Inc.

Lucas and RCD Colleagues,

In the spirit of due diligence, I have elaborated on the three brief cases that outlined at the Symposium. My hope is that you can make this available to Symposium attendees, but at the minimum, here they are for your reference. I'd be pleased to discuss any and all if there is interest; my contact information is above.

Strategies to Build Stable Watershed Agreements

The Premise

Napa County has reached some epic agreements (the Ag Preserve and the Napa River Project). Yet, tough impasses do happen. What tools and strategies might help avoid conflict and set the County up to build durable agreements? Here are three key powerful ideas, distilled from real-world cases.

Strategy 1

Do a deep dive on stakeholder interests before appointing citizens to planning advisory panels.

Interview candidates, asking key questions. Why individuals want to join? What organizations do they represent? What do the individual hope to accomplish? Are they inclined to collaborate? Can they give an example of a collaborative agreement they helped to reach? Once interviews are complete, sum up the advice and present the findings to appointing authorities.

Example: As CDFW initiated a new fisheries management plan for market squid (now the most valuable fishery in the state), agency staff asked CONCUR as members of the Convening Team to conduct and summarize well-structured interviews with candidates to advise the agency. The premise was staff would generate the proposal for the Fish and Game Commission's consideration, deeply advised in detail by stakeholder representatives.

Result: Appointing agency staff conferred with the Convening Team, considered advice account, and appointed 20 members. The Committee (which included some alternates) met ten times over about 18 months. The effort included a final meeting where draft staff recommendations were presented and honed in a two-day meeting. Feedback on from the Panel was that the process was fair and inclusive, the recommendations balanced, and would in a net environmental gain while sustaining the viability of the fishery. Members' comments to the Commission were that the process generated a very broad-based consensus. Two or three members they aired they suggestions, pushed as far as they could, agreed to support the recommendations agreed to pursue their goals on other tracks of work, so there was effectively no dissent on the recommendations.

Citation: November 2024 California Fish and Game Commission Marine Resources Committee Hearing <https://www.youtube.com/watch?v=gb7T6VjUYiY>. 7:12 time split.

Strategy 2

Organize robust independent scientific review to critique competing models, unlock conflict, and generate new policy ideas.

Example: The North Coast Regional Water Quality Board asked our team for help to address an ongoing conflict between Pacific Lumber and local citizens coping with increased flood risks in the face of increased logging. Our team worked with Board staff to convene a member interdisciplinary Panel and tasked them with critically reviewing competing models, tasking stock of their pros and cons and recommending other watershed management strategies

Result: After a second round of intensive review and extensive deliberations, concise final reports, and presentations to the Regional Board. The Panel recommended that the agency establish a system of watershed-wide waste discharge requirements. After a few more rounds of deliberation, the agency adopted the updated regulatory system recommended by the Panel.

Citation: Independent Scientific Review Panel. Final Report on Sediment Impairment and Effects on Beneficial Uses of the Elk River and Stitz, Bear, Jordan and Freshwater Creeks, 2002. Convened by CONCUR, Inc. for the North Coast Regional Water Quality Review Board.

Strategy 3

Leverage commitments to initiate mitigation as Early Implementation Measures

Example: Concurrent with creation of the Napa River Flood Management project, a parallel effort was underway for the Downtown reach of the Guadalupe River in San Jose. After the River flooded several times, flood control and municipal agencies proposed a cement-lined trapezoidal channel. Resource agencies objected; conservation organizations threatened a Citizens' Suit, threatening continued impasse. Then, all key parties agreed to join a policy collaborative. They tasked their experts to in a joint technical fact-finding subcommittee rather than advancing competing designs on behalf of one "side". Together, they recommended a bypass tunnel as an alternative to the channel design. The bypass proposal was to be coupled with robust mitigation.

Resource agencies deemed the design promising, yet were in skeptical that conservation elements would be implemented. At our suggestion, flood management sponsors agreed to implement a package of Early Implementation Measures before the hardscape was constructed. This agreement was codified a Dispute Resolution Memorandum, signed by all parties. This solidified their commitment, and engaged them in a long-term Adaptive Management Program, backed up by annual monitoring.

Citation: "Applying a mediated negotiation framework to integrated coastal zone management." *Coastal Management* 29.3: 183-216.