

# Columbia River Gorge Commission Administrative Review

*Findings, Conclusions, and Recommendations*



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# Introduction

## What we were asked to do...

### INTENT:

*“Analyze current CRGC structure and requirements; provide recommendations for optimizing the Commission to accomplish its mandated and ancillary work.”*

### WORK PRODUCTS:

- Conduct organizational assessment
- Conduct a comparative case study
- Conduct legal assessment within body of compact law
- Prepare a summary and findings report



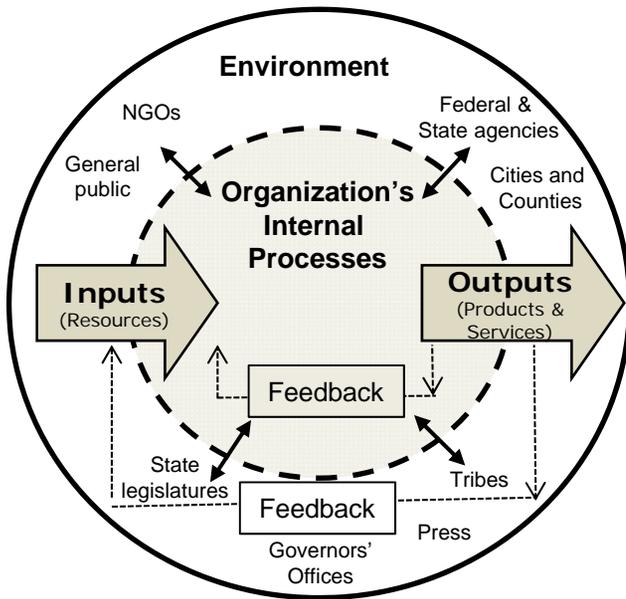
Those organizations whose internal processes are relatively isolated from events occurring outside the organization are termed "closed systems."

# Introduction

## Assessment Frameworks

### Cameli, Mogren, & Shinn (Organization)

- Interviews & document review
- Open-system model
- Focus on internal components



### Cooper (Legal)

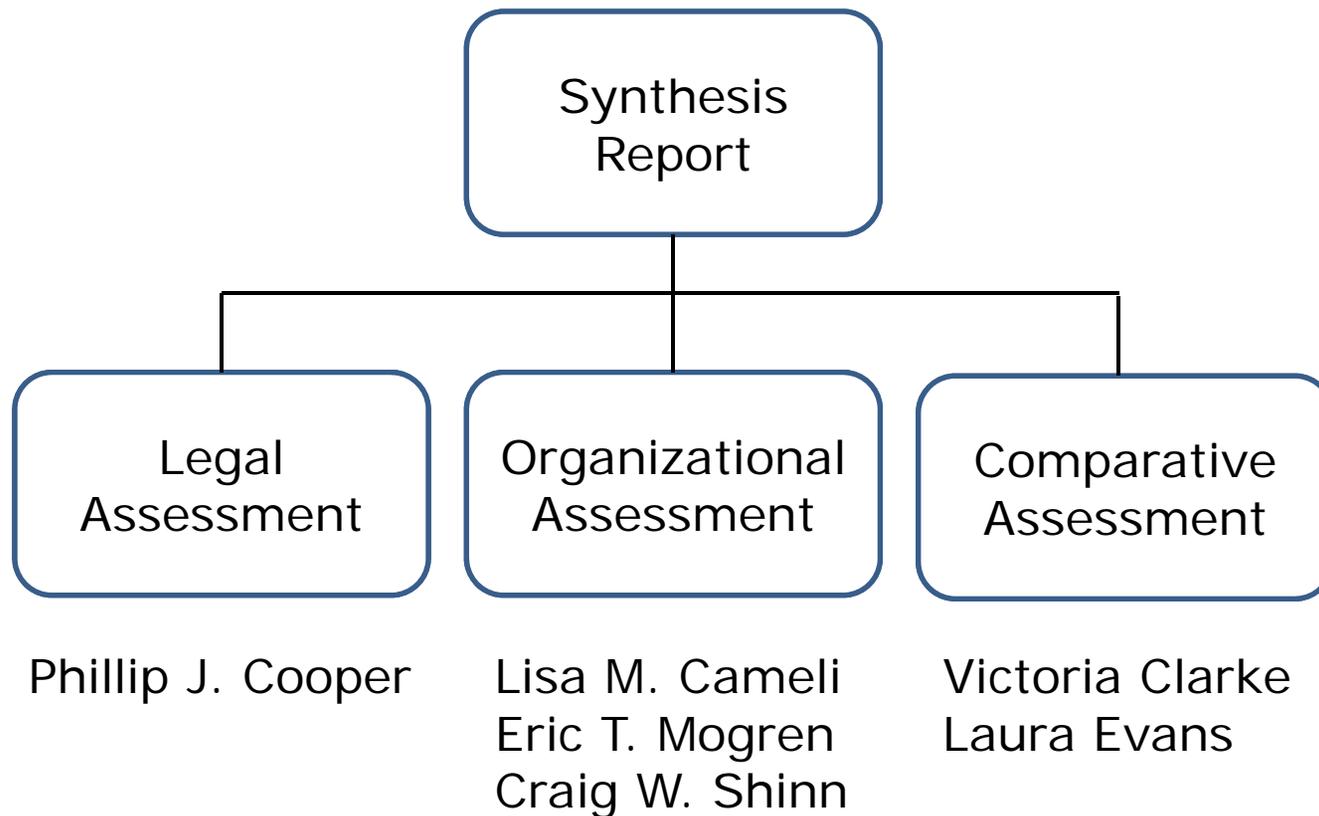
- Document review  
Interviews w/ Counsel  
Four-part IGR framework:
- Political
  - Organizational
  - Fiscal
  - Legal

### Clarke & Evans (Comparative)

- Best practices and lessons learned:
- Tahoe Regional Planning Agency (TRPA)
  - Chesapeake Bay Commission (CBC)
- Interviews & document review  
Media representations
- Environmental Quality
  - Economic Vitality
  - Agency funding
  - Coalition Building
  - Management



## Report Architecture



# Introduction

## Peer Review

### Legal Assessment

- John Marshall, J.D., Tahoe Regional Planning Agency
- Richard Masters, J.D., National Center for Interstate Compacts
- Chester Newland, Ph.D., University of Southern CA

### Organizational Assessment

- Craig Thomas, Ph.D., University of WA
- Sy Adler, Ph.D., Portland State University
- Christopher Koliba, Ph.D., University of Vermont

### Comparative Assessment

- Megan Mullin, Ph.D., Duke University
- Sy Adler, Ph.D., Portland State University





# **Synthesis Report**

## ***Findings and Conclusions***



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# Findings and Conclusions

## Thematic Conclusions:

1. Complexity of legal and operational environments
2. Dynamic nature of legal and operational environments
3. Intergovernmental relations and coalition building
4. Communications, outreach and education
5. Organizational capacity

## Emerging Issues:

- Increases in recreational visitation
- Climate change
- Movement of petroleum products

## Issues of Concern for Commission Legitimacy



# Findings and Conclusions

## 1. Complexity

- Evolving nature of compact law
  - Established principles; much ambiguity
  - Each compact is unique
- Overlapping legal jurisdictions
  - Six WA state courts
  - Two OR state courts
  - Four federal district courts
- Overlapping political jurisdictions
  - Two states, six counties, thirteen cities, four tribes
  - State and federal agencies
- Multiple political cultures, worldviews, and perspectives
- Conclusion: Stable core of expertise in law, planning, & IGR



# Findings and Conclusions

## 2. Dynamism

- Evolving nature of compact law
  - Need to track and apply federal / state court rulings
- Political environment
  - Selection of commissioners
  - Public perceptions
  - Uneven resourcing from state legislatures
- Multiple political cultures, worldviews, and perspectives
- Commission recognition
  - Proposed revisions to Management Plan
  - Vital Signs Indicator Project
  - Impacts of increased recreation use
- Conclusion: Capacity for flexibility and resiliency



## 3. IGR and Coalition Building

- Scenic Area Act is Framework for Gorge Governance
  - Good governance requires good relationships
  - Fosters inclusiveness and transparency
  - Reduces transaction cost
- TRPA and CBC excel at coalition building
  - “Culture of collaboration”
- CRGC seems to struggle
  - Friction with federal and state agencies (?)
  - Mistrust / misunderstandings with public (?)
- Formal and informal modes of agreement
  - Intergovernmental / interlocal agreements
  - Informal interactions / work groups / problem solving
- Conclusion: Capacity for coalition building is essential



# Findings and Conclusions

## 4. Communications, Outreach, & Education

- Area in which TRPA and CBC excel
  - Dedicated staff for outreach and intergovernmental relations
  - “Culture of collaboration”
- Internal and external dimensions
  - Training / education of new commissioners and staff
  - Outreach in support of coalition building with local stakeholders
  - Education for officials on nature of law and role of Commission
- Conclusions:
  - Dedicated capacity needed
  - Improvements to functionality and legitimacy



# Findings and Conclusions

## 5. Capacity: *What's it Mean?*

- Internal components:
  - Quality of leadership, level of training, allocation of personnel, technology, processes, etc.
- External Components:
  - Functions assigned
  - Expectations (executive, legislative, and judicial branches and public)
  - Resources provided
- Our focus: Internal components, functions, and resourcing
- “Phase 2”: Examine other external components



## Findings and Conclusions

# Purposes of the Act

- "...to protect and provide for enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and
- To protect and support the economy of the Columbia River Gorge area by encouraging growth in existing urban areas and by allowing future economic development in a manner that is consistent with the first purpose."

Source: Scenic Area Act, §544a



# 5. Capacity: *Functional Analysis*

## 1. Mandates of the Act impacting ongoing workloads

- a. States will enter into a compact and create the CRG commission (544c)
  - i. Commission will establish regulations relating to admin procedures, making of contracts, conflicts of interest, financial disclosures consistent with the more restrictive statutory provisions of either state
  - ii. Federal agencies are authorized to provide Commission with technical assistance on a reimbursable bases
  - iii. Secretary is authorized to provide assistance on a non-reimbursable basis
  - iv. The Commission shall establish volunteer technical and advisory committees
- a. Scenic Area Management Plan (544d)
  - i. Establish Resource inventory
  - ii. Establish Economic Opportunity Study
  - iii. Recreational Assessment
    - 1. Interpretive center in Oregon
    - 2. Convention center in Washington
    - 3. Identify areas for public use facilities for recreational opportunities
    - 4. Identify areas for increase access to the Columbia River
  - iv. Land use designations
    - 1. Designate agricultural, timber, open spaces, commercial areas, residential development, urban areas
- b. Establishment of Management Plan (544d cont.)
  - i. Based on results of resource inventories
  - ii. Include land use designations
  - iii. Incorporate management plan for federal properties
  - iv. Include guidelines for land-use ordinances for Counties
  - v. Shall not apply to Urban areas
  - vi. Standards for Mngt Plan
    - 1. Protect and enhance – agri lands, forest lands, open spaces, public and private recreation
    - 2. Prohibit major development in SMA's
    - 3. Prohibit Industrial uses outside of Urban areas
    - 4. Require that commercial and residential dev. and mineral exploration outside of urban areas are consistent with 1st purpose of the Act
  - vii. Conduct public hearings and solicit comments prior to adoption of Management Plan and land use ordinances
  - viii. Notify Secretary, states, local governments and Tribes of all proposed major development actions and residential dev. in Scenic Area
  - ix. Plan review/revisions every 5-10 years
  - x. Amendment of Plan as needed

- c. Administration of Scenic Area – (544e)
  - i. Administer the non-federal lands in accordance with Management Plan
  - ii. Adopt land use ordinances
    - 1. If a county fails to adopt the Plan the Commission will do administer land use regulations for given county
    - Review of approved development review by other counties 544h(c)
    - 2. Coordinate with FS for administration of SMA's
- d. Economic Development (544i)
  - i. Review and approve any proposals for economic Dev plan consistency with Plan
- e. Enforcement – (544m)
  - i. Monitor activities in counties and take actions as it determines necessary Hear and Manage appeals for land-use decisions
  - ii. Assess civil penalties for non-compliant land-uses
  - iii. Address civil suits as they arise

## 2. Mandates of the Bi-State Compact impacting ongoing workloads

- a. Commission Establishment/Function (Article I)
  - i. Sue and be sued -
  - ii. Disapprove land-use Ordinances
  - iii. Review all major developments
  - iv. Hire/fire/pay staff
  - v. Right to contract
  - vi. Establish and maintain a place of business
  - vii. Adopt by-laws, rules and regulations
- b. Funding (Art. IV)
  - i. Compensation of commissioners
  - ii. Provide Budget x2 prepare, lobby, oversee
  - iii. Equal budget expenditures –tracking and report
  - iv. Accounting for annual auditing
  - v. Public records

## 3. By-laws Impacting ongoing workloads

- a. Monthly meetings
- b. Record Meeting Minutes
- c. On-going management of staff/budget/work plans
- d. On-going communication with the Public
- e. Periodic Reporting to Commission
- f. Enter into Contracts
- g. Address litigation and report to Commission
- h. Other duties as assigned

## 5. Capacity: *Functional Analysis*

- Mandated Functions
  - Scenic Area Act (35 provisions)
  - Interstate Compact (13 provisions)
  - CRGC Bylaws (8 provisions)
  - State requirements (Financial accounting)
  - Klickitat County permitting
- Essential Additional Functions
  - Intergovernmental coordination, to include Tribal governments
  - Public outreach and education
  - Criteria for monitoring
  - Projects (such as Vital Signs Indicators)



# Findings and Conclusions

## 5. Capacity: *Comparison with TRPA and CBC*

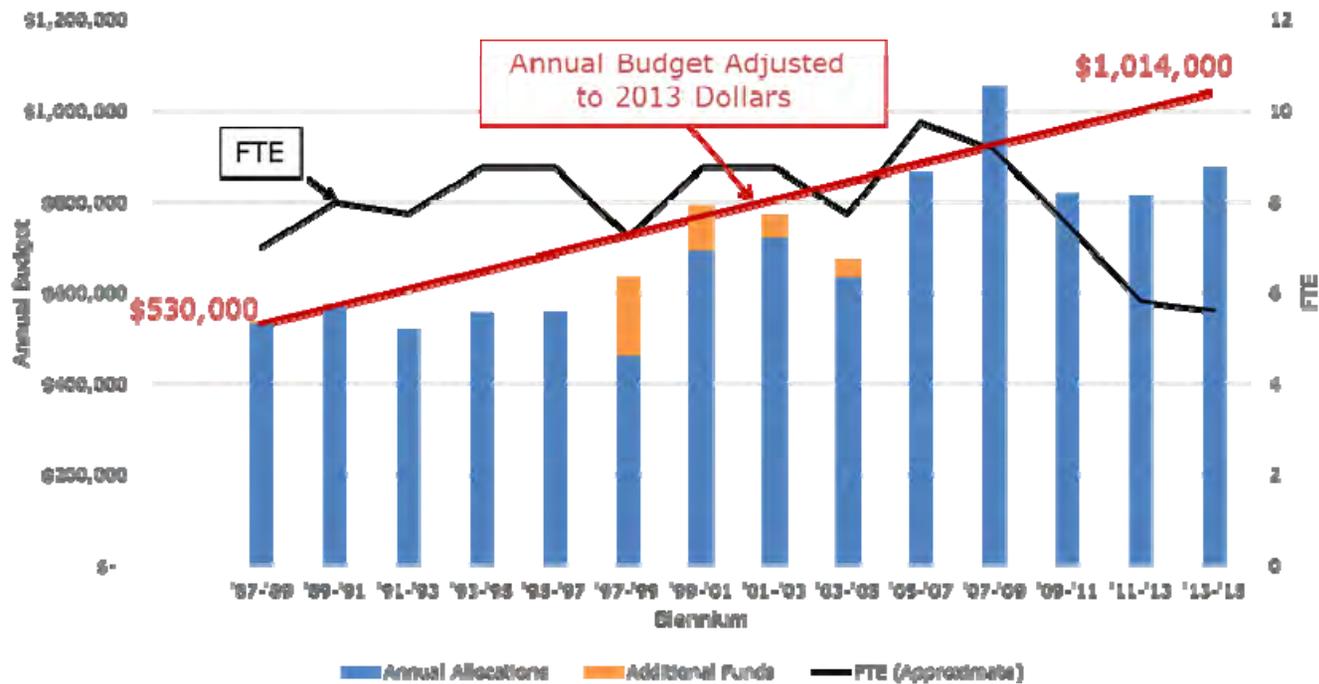
<b>Current Staffing Levels (in FTE)</b>			
<b>Category</b>	<b>CRGC</b>	<b>TRPA</b>	<b>CBC</b>
<b>EXECUTIVE MANAGEMENT (Exec Director)</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>
<b>ADMINISTRATIVE SUPPORT</b>	<b>1.0</b>	<b>3.0</b>	<b>1.0</b>
<b>PLANNING AND COMPLIANCE</b>	<b>2.6</b>	<b>24.0</b>	
<b>LEGAL</b>	<b>1.0</b>	<b>2.0</b>	
<b>OPERATIONS MANAGEMENT</b>	*	<b>1.0</b>	
<b>PUBLIC EDUCATION AND OUTREACH</b>	*		
<b>INTERGOVERNMENTAL COORDINATION</b>	*	<b>3.0</b>	<b>3.0</b>
<b>FINANCIAL AND ADMIN SUPPORT</b>	*	<b>5.0</b>	
<b>ENVIRONMENTAL IMPROVEMENT</b>		<b>7.0</b>	
<b>RESEARCH AND ANALYSIS</b>	*	<b>11.0</b>	
<small>* No dedicated staff; functions performed by another member of the staff as an additional duty</small>			
<b>TOTALS:</b>	<b>Staff: 5.6</b> Commission: 13	<b>Staff: 57</b> Gov. Board: 14	<b>Staff: 5</b> Commission: 21



# Findings and Conclusions

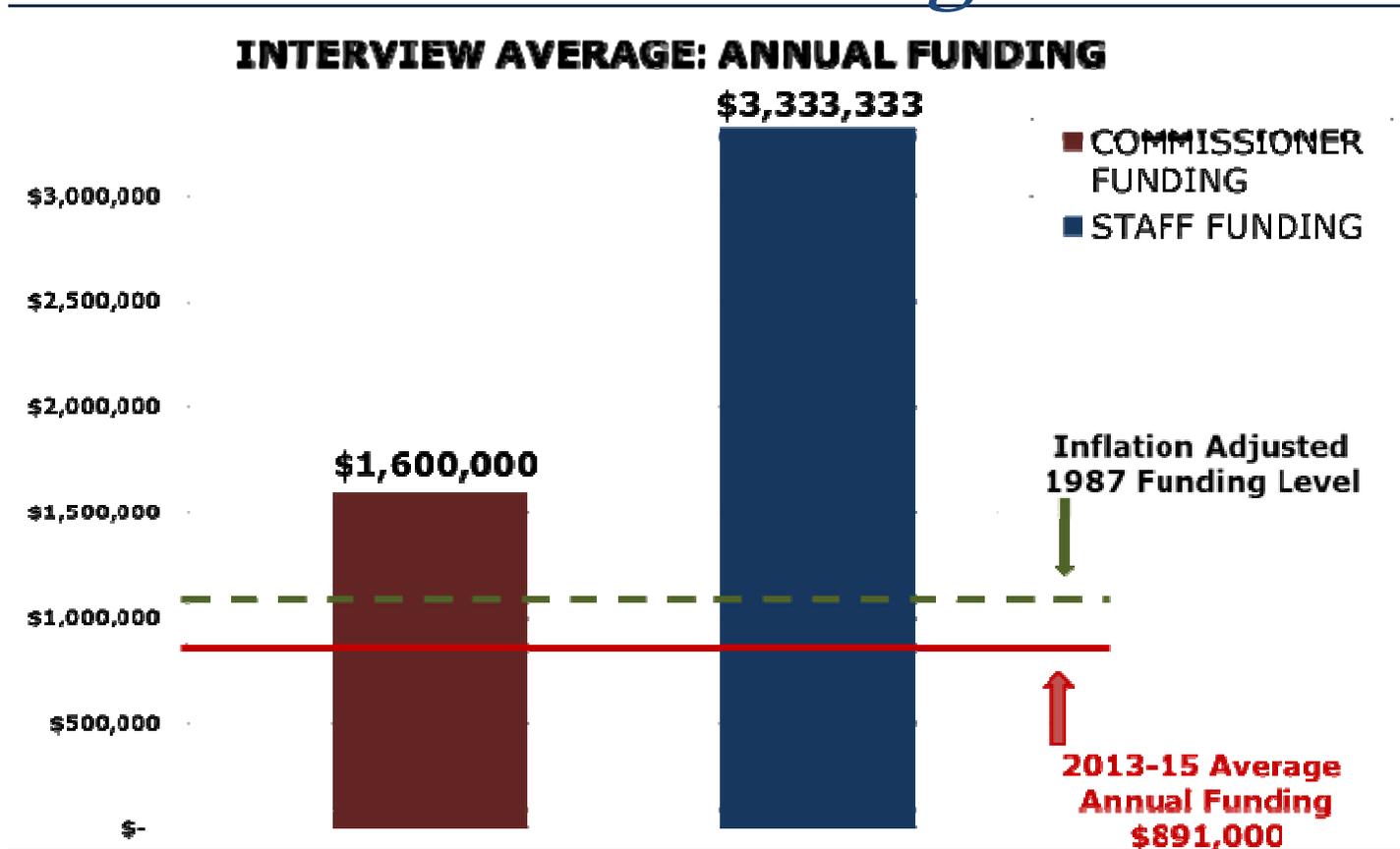
## 5. Capacity

### Historic Resourcing



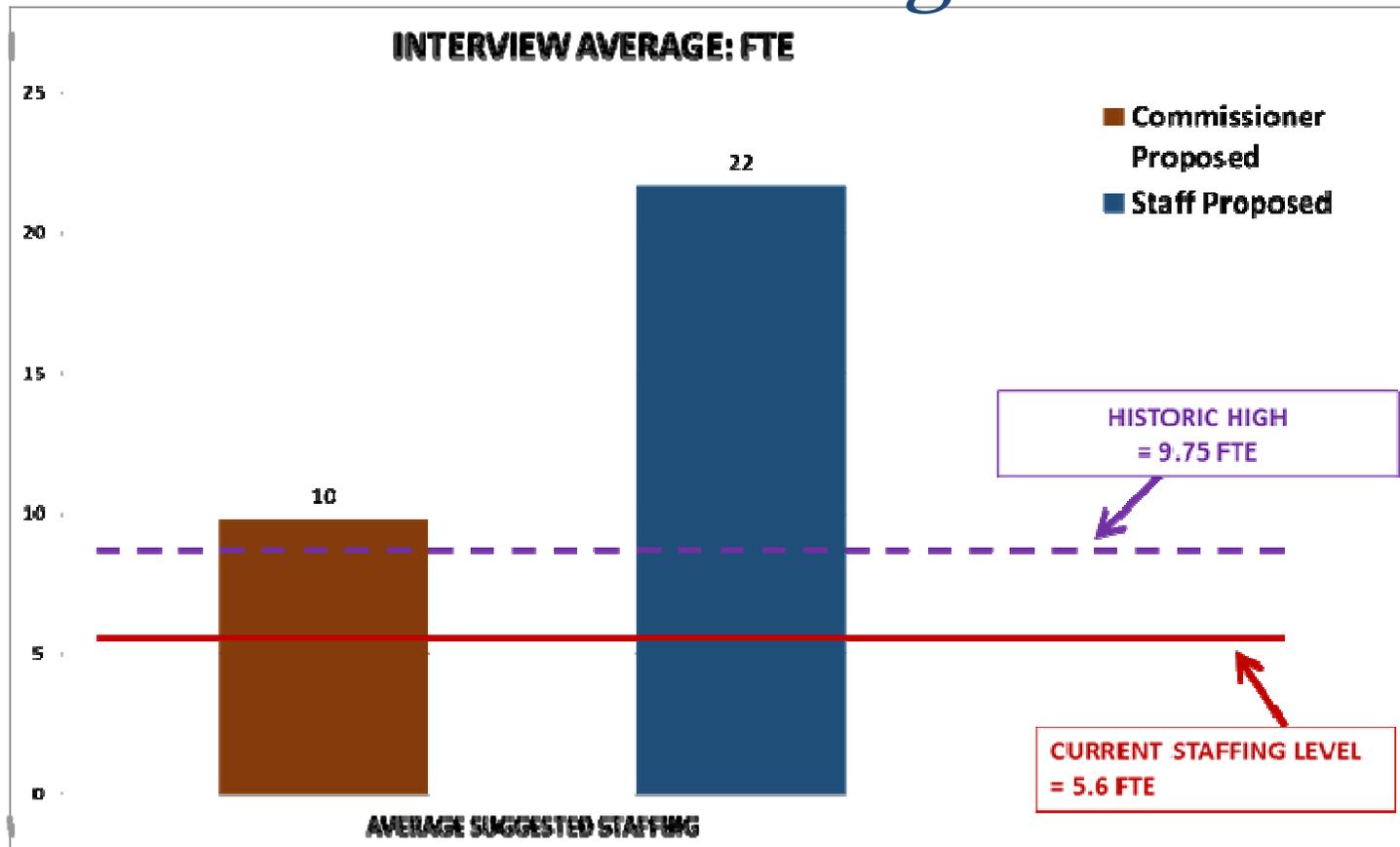
# Findings and Conclusions

## 5. Capacity: *Interview Results - Funding*



# Findings and Conclusions

## 5. Capacity: *Interview Results - Staffing*



# Emerging Issues (known)

- Increased recreation in Gorge
- Climate change
  - Biophysical effects (insects / fire)
  - Demographics (in-migration)
- Increased transport of fossil fuels
  - Oil, natural gas, and coal
  - Rail, truck, and barge
- Conclusion: Flexibility for new issues



# Issues of Concern for Legitimacy

- Anecdotal evidence:
  - Comments to staff from residents
  - Public frustration with permit complexity and lag time
  - Work proceeding without required permits
  - Unknown: Extent & degree to which this is unique
- Weak relationships with federal and state agencies
- Conclusions:
  - Additional study regarding permit compliance
  - Capacity for outreach, monitoring, and enforcement



# Summary of Thematic Conclusions

- Extremely complex legal, political, & operational environment
  - Requires core expertise in law, planning, and intergovernmental relations
- Complexity exacerbated by uncertainty & change
  - Requires capacity to address known emerging issues
  - Requires capacity for flexibility and resiliency
- Constructive relationships, communications, & outreach are essential for success
  - Requires capacity for formal and informal coalitions/partnerships
  - Requires capacity for internal and external communications and education
  - Required for purposes of functionality and legitimacy
- CRGC has never been sufficiently resourced to carry out the functions assigned or meet purposes of the Act
  - Agreement that more is needed
  - Disagreement as to how much is needed





# Recommendations



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## Recommendations

# Staff Capacity

- Continue team building activities initiated in 2013
- Agree on governance model for Commission
  - Codify in Bylaws or some other document
- Recognize the legal practice as critical core function of the Commission
- Ensure adequate legal staff capacity
  - Avoid reliance on state attorneys general
- Develop further the special legal issues associated with Tribal governments



# Recommendations

## Staffing

Based on:

- Functional analysis
  - Ten function categories
  - Hours => FTE
- Staff discussions
- Staff workload estimates
- Interview results
- Historic resourcing
- Our judgment

Opportunity to reduce base staffing by 1.8 FTE

***A note on rounding...***

Functions and Estimated Staffing				
Function Category	Current Staff Effort <sup>1</sup>	Baseline Staffing for Mandated Functions	Staffing for Essential Additional Functions <sup>2</sup>	Total
Planning	1.00	5.95	2.50	8.45
Legal	1.00	1.85	.75	2.6
Intergovernmental Coordination	.05	.50	.50	1.0
Financial Management / Accounting	.45	.60	.40	1.0
Operations Management	.30	.95	.05	1.0
Information Analysis	.40	1.80	2.45	4.25
Executive Management	1.05	1.50	0	1.50
Public Outreach and Communications	.04	1.00	.50	1.50
Information Technology	.26	.40	.35	.75
Office Administration and Management	1.00	2.39	1.01	3.40
<b>TOTAL</b> (Totals rounded to nearest tenth)	<b>5.6</b>	<b>16.9</b>	<b>8.5</b>	<b>25.5</b>

<sup>1</sup> Reflects effort currently dedicated to function category and not staff positions

<sup>2</sup> May be full time, temporary, intergovernmental agreement, contract, or other



## Recommendations

# Staffing Reduction Measures (1.8 FTE)

- Klickitat County adopts National Scenic Area Ordinance
- Establish agreement with OR & WA to streamline or consolidate records, budgeting, and accounting requirements of two states
- Rules Review
- Establish Intergovernmental Agreements (IGA's) with local and state agencies for administrative compliance



## Recommendations

# Staffing (continued)

- Phase increases in over time
- Allocate staffing to all function categories



# Recommendations

## Funding

- Baseline funding: \$2.5 million / year, indexed for inflation (all categories of funding)
- Essential additional functions: \$1 M / year (will fluctuate)
- Phase increases in over time, consistent with staff increases



## Recommendations

# Intergovernmental Relations & Coalition Building

- Develop “culture of collaboration” within Commission and staff
  - Transparency
  - Dedicated staff for outreach
- Develop communication channels with agencies on legal issues
- Enhance collaborative relationships with Gorge communities



## Recommendations

# Communications, Outreach, & Education

- Ensure continuous learning on and influence the shaping of compact law
- Establish capacity for internal and external training and education
- Establish capacity to build and sustain external coalitions and partnerships
- Recognize education as central element of legal staff roles



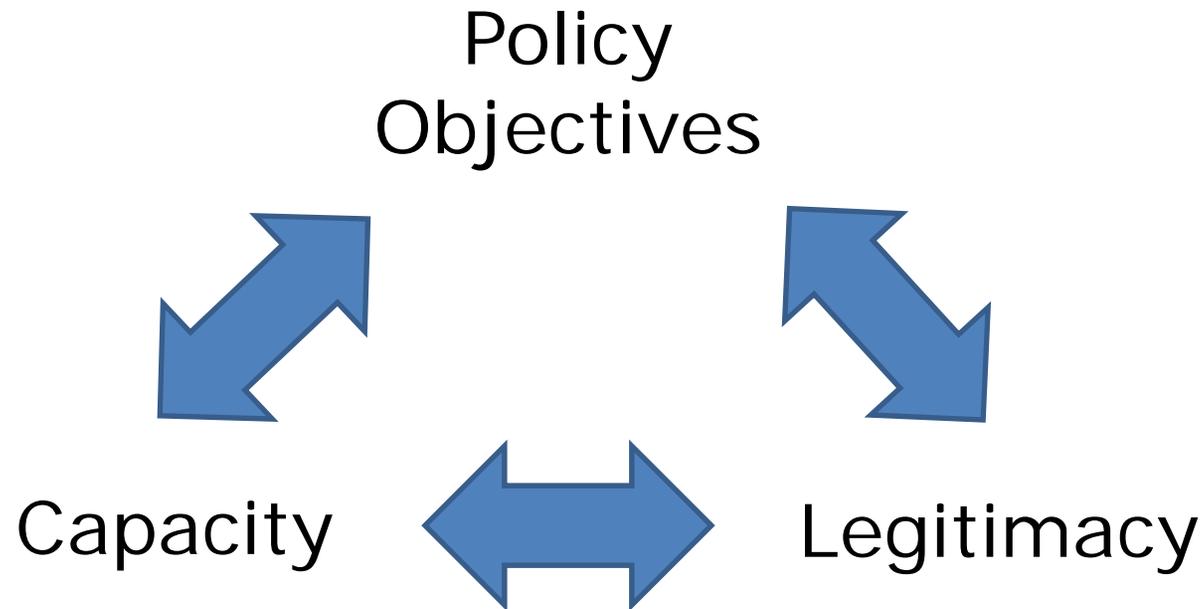
## Recommendations

# Additional Recommendations

- See consolidated executive summaries



# Final Thought



**Closing**

**THANK YOU!!**



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