

Organizing for Success: The Interaction of Science, Policy, and Implementation in Complex Natural Resource Disputes

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Navigating the intersection of science, policy, and implementation is critically important to resolving complex natural resource issues like those that arise at the intersection of water and land use. For example, policy makers are often called on to make decisions in the face of scientific uncertainty. The appropriate use of science to inform decision-making becomes a critical question: what can policy makers expect “science” to do, and what can they not expect? Given that there may never be a right answer, or that it may take too long to achieve an answer, it becomes critical to organize a potential solution in a way that takes advantage of what science can tell the policy-maker, both in terms of benefits and risks.

In addition, organizing a useful policy decision depends on identifying outcomes that are both desirable and obtainable. Lining up various interests in a way that allows the various policy objectives to be achieved is an important element of success.

Finally, implementation is a key to finding effective solutions to complex natural resource issues. Science and policy may lead to a decision, but such a decision may be irrelevant if staffing or budget limitations render the solution impracticable. The best decisions are ones that are informed by science, match the community values and desired policy outcomes, and can be realistically implemented.

In this presentation, the speakers, both attorney/mediators, will explore how science, policy, and implementation considerations informed three different projects with widespread regional implications both for people and the natural resource systems involved. In the first example, the mediation of hatchery and harvest reform on the Columbia River system depended on a team of scientists to provide information for the policy makers to make recommendations. This effort is already leading to significant changes at regional hatcheries to address critical fisheries concerns. The second example is a recently finalized mediation about who is entitled to store and use groundwater under the greater Los Angeles area; the negotiated solution focuses on protecting existing rights while providing greater water supply flexibility for future use. Once fully implemented, this agreement will provide significant regional water supply reliability for the LA area, and it offers an interesting set of potential tools for other regions struggling with water supply needs. Finally, the speakers will explore how a creative solution allowed for additional instream flows and more secure municipal water supplies for the City of Tacoma by integrating both surface and groundwater storage. This example helps to demonstrate how both natural resource protection and water for human consumption can be integrated, a challenge our entire region will continue to face as the pressure on natural resources increases.

Lara Fowler

Lara Fowler is a Northwest native, originally from Idaho and Oregon before settling in Washington. A graduate of Dartmouth College and the University of Washington School of Law, her focus is on environmental and natural resource law. Prior to attending law school, Lara worked for the Oregon Water Resources Department on various water policy issues, including agricultural and municipal water conservation, instream flows, and conserved water projects. As an attorney at Gordon Thomas Honeywell LLP, Lara co-mediated an agreement to the question of who can store and use water under the greater Los Angeles area; an agreement addressing water quality issues in the San Joaquin River in California involving numerous irrigation districts and a more than 50-year old legal battle; and resolution to a more than 10-year old dispute over the lake levels in Lake Tapps versus municipal water supply needs. In addition to mediation and facilitation work, she also provides advice on water law, shoreline management, and water quality issues for public and private clients. Lara is the president of the Washington Water Trust’s Board of Directors.

Jim Waldo

Jim Waldo is a Seattle native, a graduate of Whitman College and Willamette School of Law, and a partner at the law firm of Gordon Thomas Honeywell LLP in Tacoma, Washington. Jim has pursued a career in complex negotiations and mediation and is regarded as one of the premier lawyers at resolving some of the most contentious and complex public policy disputes without litigation. His experience ranges from being the lead negotiator on the Puyallup Land Settlement, the second largest land claim settlement in the United States, to mediating the Monterey Agreement that allocated water between agricultural and municipal interests in California. He also has facilitated other major agreements, including Washington's seminal Timber, Fish and Wildlife Agreement; groundwater storage in the greater Los Angeles area; and numerous other issues. He also provides advice to private clients on navigating natural resource issues, and even finds time to go fishing on occasion. Jim has received numerous honors, including the American Water Resources Association Award of Merit in 2005 for his work as Washington Governor Gary Locke's senior water policy advisor.