

Comments of Roger K. Patterson
Little Hoover Commission Hearing
August 25, 2005
Sacramento, CA

Mr. Chairman, members of the Commission. Thank you for the opportunity to testify this morning.

My name is Roger K. Patterson. For the past 6 1/2 years I have been the Director of the Nebraska Department of Natural Resources.

- Water rights
- Interstate Compacts
- Water planning
- Flood-plain management
- State data bank

I was previously (from 1991-1999) the Regional Director for the Bureau of Reclamation in Sacramento, CA. While in that position I was involved in the effort to create CALFED.

It was early 1993. Two species that relied on the Delta had been listed under the ESA (winter-run salmon and Delta smelt), the State Water Resources Control Board and EPA were struggling with implementing new water quality standards, and the Congress had recently passed the Central Valley Improvement Act. Responsibility for these activities fell on four separate federal agencies: EPA, Fish and Wildlife Service, National Marine Fisheries Service, and the Bureau of Reclamation.

During this period, the State pulled back on their efforts to implement new Delta standards and in a very public way Governor Pete Wilson criticized the federal agencies for usurping State responsibilities and not operating in a coordinated fashion.

While this criticism was hard to accept, he was right, the federal agencies could do a better job of working together.

We took that responsibility seriously and undertook an organized effort to make improvements:

- Held a full day (and nite) meeting in San Francisco and, with the help of a professional facilitator, identified issues each of the agencies had underway. It was strikingly clear that we could do a better job by working more closely together within each of our statutory authorities for the overall good of the delta and accomplish shared goals with less impact on water supplies.
- Made a concerted effort to speak with one voice where we could and where that was not possible to minimize interagency conflict.
- We committed to 1) identify and communicate any decision that would impact water diversions 2) coordinate timetables and decisions 3) develop a clear and accurate explanation of decisions and associated impacts on water supplies and 4) prepared cross-cut budgets to the extent possible.
- The federal agencies coordinated our positions. We made joint presentations at hearings and workshops, and conducted joint press briefings.
- Perhaps most importantly, friendships developed.

This new partnership laid a solid foundation for engaging with the State in the negotiation of the Bay-Delta Accord and the creation of CALFED.

It's important to recognize that agencies and organizations are made up of people, and for agencies to work well together, people need to work well together.

Observations based on my experiences working not only on CALFED but on similar large scale restoration/water management efforts including:

- The Platte River effort to restore habitat for listed species and provide certainty for water users. This program involves three States (Nebraska, Wyoming, and Colorado), the Department of Interior, and various stakeholders.

- The operation of the Missouri River and restoration of habitat for listed species. 8 States and 26 Tribes. Numerous stakeholders and multiple Federal Agencies – including the Corp of Engineers and Fish and Wildlife Service.

The most important element in achieving success is Leadership. Leadership must come from the highest levels – in the above examples from the Governors. Leadership is also important for those at the table on a daily basis. They generally control budgets and personnel. If those at the table do not believe their presence makes a difference they will disengage – they all have other priorities to take their attention.

It's also vitally important that clarity exists for responsibility, accountability, and decision making. A situation where “everybody's in charge but nobody's in charge” is a recipe for disaster.

I believe it is important for this Commission to take a close look at the role and functioning of the Bay-Delta Authority. It's my sense that there are some issues there. I don't believe either the State or Federal agencies have bought in. Clearly the Federal Government is not the full partner that is required for success. The existence of the Authority (which is an obviously misnomer) has not added to the need for leadership, responsibility and accountability.

Regardless of how governance is restructured, that structure and the associated decision-making process need to address difficult issues. Issues that must be deal with if long term success is to be achieved must be queued up and decided by the leadership.

As an example, during my time in California it became more and more clear to me that the peripheral canal – or some type of isolated facility needed to be revisited. It makes sense from both a biological and water management standpoint. I realize how politically volatile this issue is; however, the governance structure needs to provide the mechanism for a thorough examination of such issues. I suggest this role is much more important than day-to-day management.

Long term solutions cannot be found by shying away from difficult decisions.

Looking at other governance structures may prove useful. However, it's important to keep in mind that no one has successfully sustained large scale restoration/water management over several decades. While the Everglades has been held up as a good model, I would suggest their success has been in "getting started" and it is too soon to know if the Everglades structure will prove sustainable. The Upper Colorado River effort probably has enjoyed the most long-term success and is worth examination.

Again, thank you for the opportunity to participate in this important effort. I will you well and am available to help in any way I can.

Thank you.