



LEADERSHIP STRATEGY

RECOMMENDATIONS FOR
STATE LEADERSHIP
TO SUSTAIN WASHINGTON'S
BIODIVERSITY HERITAGE

WASHINGTON
BIODIVERSITY COUNCIL
CONSERVATION | EDUCATION | STEWARDSHIP

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November 14, 2008

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REPORT SUMMARY

This report was prepared by the Washington Biodiversity Council and presents recommendations to Governor Chris Gregoire to sustain leadership and accountability for the implementation of the *Biodiversity Conservation Strategy* (Strategy), as directed by Executive Order 08-02.

The council identified the core functions necessary to implement specific actions in the Strategy and discussed whether or not there was a need for a continued leadership entity to advance these actions. The council's research and evaluation led to the following conclusions:

- Washington has much to gain from implementing the Strategy—a cohesive, coordinated, and efficient approach to biodiversity conservation efforts, leading to better on-the-ground results.
- To secure these benefits efficiently and effectively, a permanent leadership entity is needed to guide implementation (i.e., relying solely on existing organizations and agencies to implement the Strategy likely would fail to achieve the benefits, although involvement of these entities is crucial for success).

The council thus recommends establishing a permanent leadership entity to advance the goals of the *Biodiversity Conservation Strategy* while bringing needed coordination to Washington State's conservation efforts. The essential roles and functions for the leadership entity include:

- Lead progress toward achieving the goals of the Biodiversity Conservation Strategy.
- Conduct outreach and education on biodiversity and its importance to our quality of life.
- Convene, coordinate, and advance collaboration on biodiversity conservation.
- Promote efficiencies and develop integrated approaches to biodiversity conservation.
- Measure and report progress on the status of our biodiversity resources.
- Ensure accountability for Strategy implementation.

The council evaluated a number of organizational models for this new entity, including:

- No new entity; distribute responsibilities for implementation of the Strategy across agencies.
- A public-private partnership administered by a state agency.
- An agency that encompasses several related initiatives with biodiversity as an overarching framework—bringing together, for example, biodiversity conservation, invasive species, climate change, habitat connectivity, and watershed planning.
- An office for biodiversity conservation under the auspices of the Governor and modeled after the Governor’s Salmon Recovery Office.
- A non-government organization to work in partnership with the state.
- A university-based institute with broad responsibilities.

While some council members expressed significant interest in some of the more resource-intensive models above, the council recognized that the current approach to biodiversity leadership—a public-private partnership administered by a state agency—provides the greatest combination of benefits. The council identified some of these benefits as 1) an ability to engage diverse perspectives and interests, 2) access to state decision makers, and 3) administrative support through an established state agency.

The council recommends that the current public-private partnership known as the Washington Biodiversity Council be codified through state statute as a permanent entity. In addition, the current structure could be improved significantly by including a science advisory panel and by enhancing in-kind commitments from agencies for working groups and specific projects. The council also proposes a number of policy tools, including legislation, budget coordination, and performance measures.

INTRODUCTION AND BACKGROUND

The Washington Biodiversity Council was reauthorized by Executive Order 08-02. Among other items, this executive order directs the council to develop a proposal to sustain leadership and accountability for the implementation of the *Biodiversity Conservation Strategy*, including recommendations for legislation or funding, by November 2008. This document delivers that proposal.

WASHINGTON'S BIODIVERSITY

Biodiversity is essential to Washington residents' health and to our economic and cultural future. Washington's diverse ecosystems are the foundation of our vital natural resource economies that produce food, fiber, fuel, building materials, and medicines. Our ecosystems make Washington a desirable place to live, recreate, and establish new enterprises. Ecosystems provide services such as flood control, water purification, crop pollination, and carbon storage to reduce the effects of climate change. Sustaining our biodiversity can keep us healthy in the face of change.

As our population continues to increase, Washington is experiencing a dramatic decline in native biodiversity due to habitat fragmentation, degradation, and conversion to other land uses. Threats to species and critical ecosystems have resulted in endangered species listings and the spread of invasive species, which can disrupt natural processes, our communities, and long-term resource management.

THE WASHINGTON BIODIVERSITY COUNCIL

The Washington Biodiversity Council, a successful public-private partnership created by Executive Order 04-02, has provided leadership in sustaining Washington's biodiversity since 2004. The council developed a 30-year, comprehensive, prioritized Strategy to sustainably protect the state's biodiversity heritage. After conducting research and outreach on several key topics, including the status of and threats to Washington's biodiversity, and an assessment of the state's current capacity to deal with the challenges of declining resources, the council released the *Biodiversity Conservation Strategy* in late 2007.

BIODIVERSITY IS THE WEB OF LIFE

Biodiversity is the full range of life in all its forms. This includes the habitats in which life occurs, the ways that species and habitats interact with each other, and the physical environment and the processes necessary for those interactions.

The council is comprised of 24 gubernatorial appointees representing a diverse mix of state and federal agencies, local government, tribes, private industry, agriculture, forestry, ranching, academia, conservation organizations, and the public.

Due to strong stakeholder interest in advancing the Strategy, Governor Gregoire extended the tenure of the council with Executive Order 08-02. The executive order asks the council to coordinate early action items from the Strategy, conduct outreach, implement regional pilot projects, and direct the creation of a biodiversity scorecard. The executive order also directs the council to develop a proposal for ongoing leadership for implementation of the Strategy. The council expires on June 30, 2010, or once a permanent leadership entity is established.

WHAT THE BIODIVERSITY CONSERVATION STRATEGY DOES

The science-based Strategy builds on the strengths of Washington's existing programs and initiatives. It sets forth a strategic mix of actions, activities, and programs with immediate impact and with vision for 30 years from now. The recommendations address gaps, needs, and opportunities, and encourage partnerships of diverse interests to work together. The Strategy holds great promise for incorporating biodiversity within a multitude of programs including: land use planning; voluntary landowner incentive and assistance programs; education programs; and a host of existing federal, state, and local conservation funding programs. The council developed the Strategy collaboratively with stakeholders and took into account the needs of communities and working landowners

WASHINGTON'S BIODIVERSITY IS IN OUR HANDS

Washington's diverse species, ecosystems, and landscapes are a wondrous and precious resource—a natural wealth people depend on for basic needs such as clean water, new medicines, thriving agriculture, and spiritual and cultural fulfillment. The web of life is essential to quality of life and well-being.

The heart of the Strategy is a series of initiatives that will:

- Guide our investments in on-the-ground conservation toward the places most important for biodiversity and most at risk.
- Improve conservation incentives and markets for private landowners.
- Bring citizens and scientists together to inventory and monitor our biodiversity.

DEVELOPING THE LEADERSHIP PROPOSAL

The council began the leadership development process by interviewing representatives from biodiversity programs and initiatives in other states to identify successful attributes of those programs (Attachment B). The council also researched the feasibility and potential benefits of creating a non-government organization to support a state biodiversity initiative (Attachment C) and held discussions among its members and other state leaders.

The council identified the core functions necessary to implement the specific recommendations in the Strategy, and discussed whether or not there was a need for a continued leadership entity to advance these actions. The council's research and evaluation led to the following conclusions:

- Washington has much to gain from implementing the Strategy—a cohesive, coordinated, and efficient approach to conservation efforts, leading to better on-the-ground results.
- To secure these benefits efficiently and effectively, a permanent leadership entity is needed to guide implementation (i.e., relying solely on existing organizations and agencies to implement the Strategy likely would fail to achieve the benefits, although involvement of these entities is crucial for success).

The following report outlines proposed roles and functions for the new leadership entity, describes key discussion points, and recommends an organizational model similar to the structure used by the existing council.

ESSENTIAL FUNCTIONS FOR A PERMANENT BIODIVERSITY LEADERSHIP ENTITY

The council determined that establishing a permanent leadership entity is necessary to implement the Strategy, and in a broader context, bring more cohesion and coordination to the state's conservation efforts.

CORE FUNCTIONS

The council further concluded that the following six overarching core functions are essential to the success of a permanent leadership entity in advancing biodiversity conservation in Washington:

1. Lead progress toward achieving the goals of the Biodiversity Conservation Strategy.
2. Conduct outreach and education on biodiversity and its importance to our quality of life.
3. Convene, coordinate, and advance collaboration on biodiversity conservation.
4. Promote efficiencies and develop integrated approaches to biodiversity conservation.
5. Measure and report progress on the status of our biodiversity resources.
6. Ensure accountability for Strategy implementation.

Currently, no permanent leadership entity performs these tasks, and the council determined that such an entity is needed to fill that gap. The council also acknowledges that a permanent leadership entity will be most effective as part of a comprehensive approach that includes performance measures, reporting requirements, and clear direction to agencies. Finally, the council believes that filling the leadership needs and functions described here goes beyond implementing the recommendations in the Strategy and will create a more efficient and inclusive approach to natural resource conservation in the state.

Description of each of the core functions follows.



Lead progress towards achieving the goals of the Biodiversity Conservation Strategy.

Washington needs an entity to communicate priorities in the Strategy, initiate action, and focus efforts with key stakeholders. Ongoing leadership is needed to adapt Strategy recommendations to changing circumstances and address strategic, tactical, and political issues as they may arise. There is also value in providing a central focus and overall leadership for biodiversity conservation in the state.

The original council was charged with developing the 30-year Strategy in part because of the fragmented approach to natural resource conservation in the state. Many of the Strategy's recommendations promise significant improvements in developing a more coordinated approach, but these will require leadership.

The 30-year Strategy identified a set of initial priorities, including guiding investments through the use of the Conservation Opportunity Framework (a series of maps indicating areas of highest biodiversity value and at greatest risk), improving conservation incentives for private landowners, and engaging citizens and scientists to inventory and monitor Washington's biodiversity. The new leadership entity would help secure commitments and focus resources to address these priorities.

In addition, the council considers certain elements of the Strategy fundamental to a successful state-led effort. These include the state's biodiversity Web site, which provides critical information and tools to agencies, educators, land managers, and others; the biodiversity scorecard now under development; and the Conservation Opportunity Framework maps with updates, refinements, and increased access. The new leadership entity should ensure that these fundamental components of the Strategy are implemented in a robust, inclusive, and efficiently coordinated way.

Finally, the council considers the Strategy to be a living document and expects it to evolve over time. For example, as new scientific information emerges on topics such as climate change and wildlife habitat connectivity needs, these elements need to be integrated into the Strategy's Conservation Opportunity Framework maps. The new leadership entity should seek advice from leading scientists on where to find such information, how to synthesize and integrate it, and how to ensure that what is learned from early implementation

actions informs future efforts and furthers best practices and innovative approaches.

Conduct outreach and education on biodiversity and its importance to our quality of life.

The new leadership entity should seek opportunities to inform and engage Washingtonians in understanding biodiversity's importance to our quality of life.

Education and public engagement are critical components of the Strategy. The council repeatedly affirmed the foundational importance of an educated citizenry—decision makers, students, adult learners, and the general public—to truly achieve the goals of the Strategy.

Many institutions and programs in Washington provide a diverse array of educational opportunities about biodiversity and its importance. The new leadership entity should work with these programs to collaborate on key messages, develop stronger networks, and facilitate the useful sharing of resources.

The new leadership entity also should maintain the Biodiversity Project Web site and seek to build broad support and engagement in the Web site from partner organizations.

Convene, coordinate, and advance collaboration on biodiversity conservation.

The new entity should serve as a convener and a facilitator for conservation issues that cross agency, organizational, and jurisdictional boundaries.

In the course of its deliberations about the need for future leadership, the council determined that one of the most essential roles it played in developing the Strategy was outreach to interest groups to foster dialogue, surface issues, and create new relationships to address those issues. This role of convening stakeholders to collaborate on critical and timely conservation topics in a transparent and respected manner is essential to meeting conservation challenges proactively.

By definition, biodiversity conservation issues span agency, jurisdictional, and geographic boundaries; involve multiple levels of government; and include the efforts of a wide variety of organizations working throughout the state. Examples of such issues include establishing and communicating state conservation priorities, identifying habitat connectivity needs, coordinating the delivery of information on conservation incentives to landowners,

and developing a coordinated response to the impacts of climate change on conservation planning. Washington faces an ongoing challenge to coordinate this work—avoiding or reducing duplicative efforts, ensuring that a diversity of perspectives and expertise are included, and advancing consistent conservation approaches and messages.

The need to convene and coordinate is important both inside and outside state government, given the number and diversity of stakeholder groups and organizations engaged in conservation efforts statewide. This broader network includes researchers, educators, planners, conservationists, working land owners, and regulators.

Initiating and sustaining collaborative efforts is time consuming and often adds complexity to a project. An entity dedicated to facilitating dialogue and collaboration on key biodiversity conservation actions could provide enormous benefit. With clear direction to serve as a bridge, such an entity could help build partnerships between experts, interested parties, governments, and the public. It can ensure a greater diversity of voices and perspectives are heard, and ensure that solutions will have the consensus and buy-in required to succeed.

Through strategic convening of workshops and conversations, the leadership entity proposed here by the council can bring needed focus to selected conservation issues and ensure that key players, inside and outside state government, have a voice.



Promote efficiencies and develop integrated approaches to biodiversity.

The new entity should have the responsibility to identify and promote opportunities for more integrated approaches to conservation products and services designed to assist landowners and the public in conservation activities.

Several recommendations in the Strategy addressed such opportunities, including a recommendation to coordinate outreach to landowners regarding the many conservation incentive programs administered by multiple agencies, and the use of the Conservation Opportunity Framework to build consensus on priorities across the landscape. The recommendation to launch a biodiversity scorecard also presents an opportunity for cross-agency coordination and consistency in presenting information about the status of the state's biodiversity resources and progress towards improving them.

While the council developed these recommendations to foster increased coordination, it also recognizes the complexity of the

challenge, given the number of entities involved and the variety of mandates, statutes, and constituencies affected. The council thus recommends continued focus on this issue and a sustained effort to create more coordinated and integrated approaches.

Specific areas of future focus should include coordinating and prioritizing agency budget requests that address biodiversity conservation, integrating information collected by agencies and others on species and habitats in the state, and possibly developing common data systems to replace agency-specific systems.



Measure and report progress on the status of our biodiversity resources.

The new entity will need to ensure that systems are in place to coordinate with agencies and other stakeholders to finalize the production of a biodiversity conservation scorecard and to provide for periodic updates.

A consistent theme in dialogues among council members and stakeholders has been the desire to understand how the state's collective biodiversity conservation efforts add up—is progress being made toward biodiversity conservation goals? Are we sustaining the physical environment that enables a high quality of life? Informing Washington's citizens about the health of the state's biological resources and their contributions to our quality of life is thus recommended as a critical function of the new entity.

The need for improved reporting and communication about the status of biodiversity was highlighted in the Strategy. The council also notes that no state agency currently has this charge. And while none of the state agencies represented on the council have the responsibility for such reporting, each agreed on its importance and relevance. This is a critical and appropriate function for the new entity, with its proposed broad purview and degree of independence from the primary natural resource agencies.

The current council has funded the production of a preliminary biodiversity scorecard, and has directed that it develop indicators to track and report on progress in three key areas:

- Status of species and habitats
- Status of ecosystem functions essential for a high quality of life
- Status of our institutional framework in developing the capacity to implement the Strategy.

Communicating data in the scorecard is as important as collecting and compiling it. The data presented in the scorecard may need

interpretation, including background material and supporting documents. Promoting the scorecard's use to the public and decision makers will be another important task of the leadership entity.

Agencies will be expected to provide data and to contribute towards the production of the scorecard. The scorecard should be considered a consensus statement among agencies about the status of biodiversity resources.



Ensure accountability for implementing the Strategy.

The new entity should provide leadership to assess progress on implementing the Strategy and ensure accountability to deliver results.

The leadership entity should be directed to assess and report on progress towards advancing the Strategy, follow up on the commitments made by agencies and others, and intervene and assist where efforts have stalled. Determining why progress has lagged and seeking to understand and address those issues will be as important as identifying where progress has been made.

The leadership entity should ensure accountability through the following:

1. Production of a biennial report on Strategy implementation for the Legislature.

The focus would not be on big picture indicators, but on specific Strategy activities, the progress made in advancing them, and recommendations for making further progress.

2. Identification of mid-course adjustments.

Use an adaptive management approach to guide the implementation of the Strategy. If mid-course adjustments are needed to specific recommendations in the Strategy, the new leadership entity should identify and promote these.

3. Evaluation of the governance structure.

Periodically assess the effectiveness of the new leadership entity. The assessment should determine whether the governance structure is delivering results. Any necessary improvements should be delivered as recommendations to the Governor and Legislature.

RECOMMENDED ORGANIZATIONAL FRAMEWORK

The council examined several possible organizational models in its effort to identify an efficient and effective structure to perform the functions described in the previous section, and to deliver the benefits to the state. These models included the following options:

1. No new entity; distribute responsibilities for implementation of the Strategy across agencies.
2. A public-private partnership administered by a state agency.
3. An agency that encompasses several related initiatives with biodiversity as an overarching framework—bringing together, for example, biodiversity conservation, invasive species, climate change, habitat connectivity, and watershed planning.
4. An office for biodiversity conservation under the auspices of the Governor, modeled after the Governor’s Salmon Recovery Office.
5. A non-government organization to work in partnership with the state.
6. A university-based institute with broad responsibilities.

These organizational models and the council’s discussion of advantages and disadvantages are summarized in Attachment A.

The council concluded that the most effective and pragmatic approach at this time is an option most similar to the organizational model for the existing council—a public-private partnership administered by a state agency. The council felt that this organizational model has enabled good representation from a diverse group of participants and interests and has secured the administrative support necessary for the council to deliver its work products. The additions of a science advisory panel, more active and robust working groups, and the possible addition of a non-government organization to support the council are recommended both to improve representation and the capacity for implementation of the Strategy.

PERMANENT BIODIVERSITY COUNCIL

The council recommends that the current public-private partnership known as the Washington Biodiversity Council be codified through state statute as a permanent entity. This public-private partnership is intended to guide the work of staff and other organizations working to implement and improve the Strategy and

to enhance coordination and efficiencies in the State's approach to conservation issues (see "Charge to the Council" below). Furthermore, the permanent council should be administered by a state agency and the council recommends that the Recreation and Conservation Office continue to perform this function.

In developing this recommendation, some council members expressed concern that being administered by a state agency might result in the council's work being too "state agency centric," and that it would risk a loss of independence. The council strongly emphasized the importance of a robust role for non-government entities and the need to ensure that the permanent council is a true public-private partnership.

It is thus essential that the permanent council retain a degree of independence in determining its own vision, mission, bylaws, and agenda. The new council membership also must include strong participation from non-government entities. A primary foundation of the Strategy is the concept that every sector of society, every citizen, and every place has an important part to play in conservation, and a successful leadership model must reflect this concept.

Before the council concluded that the Recreation and Conservation Office be recommended to administer the council, it considered other agencies for this role. In particular, a number of council members saw value in a stronger association with the Washington State Conservation Commission. Of particular interest was the commission's strong link to working landowners and on-the-ground work with landowners in the conservation districts. However, some members expressed concerns about the level of independence the council would have from the commission's agenda and goals. Given the reservations over this organizational structure, and the fact that the relationship with Recreation and Conservation Office has worked well to date, the council concluded that a close partnership with commission could, and should, be developed without physically locating the council within the Washington State Conservation Commission.

MEMBERSHIP

At least half of the membership of the permanent council should be composed of representatives from tribes, academia, conservation organizations, private landowners, business interests, educational institutions, and the general public. The balance of the membership should be drawn from governmental agencies (local, state, and federal combined). The council recommends that the current roster of 24 members is an appropriate size for the permanent council. Membership will target high level decision makers and leaders that are well respected by their peers. Members are appointed by the Governor.

STATE AGENCY CAUCUS

The council recommends that the state agency members form a caucus to ensure that they can effectively promote the Strategy's recommendations within the agencies they represent and in state government as a whole. This caucus would be responsible for periodically reporting to the Joint Natural Resources Cabinet about implementation of the Strategy and the progress of efforts to more efficiently and effectively knit together related efforts across agencies.

The council further recommends that member state agencies formally commit to contribute toward implementation of the Strategy in the following ways:

- Integrate biodiversity conservation and Strategy implementation into the agencies' missions, goals, objectives, land acquisition strategies, and conservation program work plans.
- Participate on the council and work collaboratively with others on the council to implement and update Strategy recommendations.
- Ensure that appropriate staff participate on working groups (including scientific efforts) and the state caucus.
- Provide access to data as needed to prepare the biodiversity scorecard and its updates.

PRIVATE ENTITIES, NON-GOVERNMENT ORGANIZATIONS, AND OTHER ORGANIZATIONS

While the other organizations participating on the council do not have the common framework of state government, it is nonetheless important that they demonstrate a commitment to the effort. At a minimum, council representatives should agree to work with the organizations and constituencies they represent, and with peers in their respective professional associations, to promote the goals of the Strategy and provide feedback to the council.

CHARGE TO THE COUNCIL

The council should be directed to lead implementation and adaptive management of the Strategy and to work toward an integrated approach to biodiversity conservation issues that overlap agencies, jurisdictions, and the private sector. The council should be directed to perform the functions described in the section beginning on page 9, with specific deliverables as appropriate:

- Lead progress toward achieving the goals of the Biodiversity Conservation Strategy.
 - Communicate priorities to leaders and initiate action with key players.
 - Secure funding.

- Address implementation issues as they may arise and adapt Strategy recommendations to changing circumstances.
- Conduct outreach and education on biodiversity and its importance to our quality of life.
 - Work with existing educational organizations to leverage message development and delivery and to facilitate useful sharing of resources.
 - Maintain the Biodiversity Project Web site and seek to build broad support and engagement from partner organizations.
- Convene, coordinate, and advance collaboration on biodiversity conservation.
 - Convene and facilitate workshops and conversations on biodiversity conservation and related issues.
 - Initiate and sustain collaborative efforts that enable success.
- Promote efficiencies and develop integrated approaches to biodiversity conservation.
 - Coordinate agency budget requests that address biodiversity.
 - Seek additional opportunities to integrate conservation activities between agencies and other organizations.
- Measure and report progress on the status of our biodiversity resources.
 - Produce and communicate results of the biodiversity scorecard.
 - Update the scorecard periodically.
- Ensure accountability for Strategy implementation.
 - Produce biennial report on Strategy implementation for the Legislature.
 - Identify mid-course adjustments.
 - Evaluate governance structure.

GUIDING PRINCIPLES

The council should be directed to approach its work in a manner consistent with the principles that guided the development of the Strategy. The following core principles were developed by the council shortly after its inception and have

guided the council's work to present. They should be retained as a foundation of future actions by the permanent council.

- Recognize existing efforts and maximize coordination.
- Expand the focus of conservation to include ecosystems.
- Build on sound science.
- Recognize and encourage active stewardship by private landowners and emphasize voluntary approaches to conservation.
- Foster local decision making.
- Work across political boundaries.

GUIDING PRINCIPLES

RECOGNIZE EXISTING EFFORTS AND MAXIMIZE COORDINATION.

The quantity and scope of ongoing efforts to conserve Washington's biodiversity on the part of federal, state, and local governments, as well as nonprofits, citizens, and the private sector is impressive. There is great value in building on these existing activities and facilitating improved coordination. In particular, it is essential to recognize and account for the many existing strategies already in place and their contribution to biodiversity conservation, e.g., land use planning, Forest Practices Act, the Comprehensive Wildlife Conservation Strategy, Natural Heritage Plan, and others.

EXPAND THE FOCUS OF CONSERVATION TO INCLUDE ECOSYSTEMS.

While protection of individual species is important and serves as the basis for many of our existing laws and programs, conservation of biodiversity necessitates a broader ecosystem or eco-regional approach. An ecosystem focus offers the greatest potential for enabling at-risk species to survive, for keeping common species abundant, and for ensuring that healthy lands and waters support our quality of life and economic vitality.

BUILD ON SOUND SCIENCE.

Effective and efficient natural resource policies and programs must necessarily be based on sound science. Our scientific understanding of the complexity of natural systems and the factors needed to sustain life's diversity in the face of trends such as rapid population growth and climate change continues to develop

and needs to be reflected in our policies. Recognize and Encourage Active Stewardship by Private Landowners and Emphasize Voluntary Approaches to Conservation.

More than 60 percent of Washington's lands are privately owned. Thus, private landowners are on the frontlines of efforts to conserve biodiversity. The council's strategy recognizes their central role and seeks to foster good stewardship through positive recognition, incentives, and market-based mechanisms rather than increased regulation or mandates.

FOSTER LOCAL DECISION MAKING.

While the benefits of biodiversity resources may be regional and even international in scope, control and management of the resource is often in the hands of local decision makers, who need the tools and understanding to make sound decisions about their biodiversity resources and how best to conserve them.

WORK ACROSS POLITICAL BOUNDARIES.

Species, ecosystems, and landscapes do not recognize political boundaries. This strategy seeks to facilitate effective biodiversity conservation through cooperation among local jurisdictions; between Washington, its neighboring states and provinces, and federal entities; and among private and public landowners.

SCIENCE ADVISORY PANEL

The council recognizes the significance of timely scientific information to inform its decisions. To ensure that decisions are based on sound science, the council recommends that the permanent council create a science advisory panel. The charge of this panel will be to respond to inquiries from the council and to provide information as directed. Its role is intended to be one of advisor and not of policymaker, a function reserved for the council.

The science advisory panel will endeavor to provide timely, scientifically-defensible information that the council can act upon. Members will be appointed by the permanent council, and the panel will include at least two members of the council. Membership will include government and non-government scientific leaders representing biological, social, educational, and economic sciences. Where the nature of the council's request exceeds the capacity of the panel to advise, the panel may seek assistance from a biodiversity science collaborative (see below).

WORKING GROUPS / COLLABORATIVES

The council should create a select number of working groups or collaboratives to assist in developing and advancing implementation strategies for the council's priority recommendations and to identify new directions or innovations as opportunities arise.

Historically, council working groups have been comprised primarily of council members and staff. As the work of the permanent council evolves to include implementation of the Strategy, it will be critical to involve not only council members, but also technical experts, managers, researchers, and others instrumental in advancing specific recommendations or developing new approaches in a particular focus area.

The council currently has strategies and recommendations in the areas of landowner incentives, public education, science and information, land use and local planning, and guiding conservation investments. The permanent council should create working groups as needed to advance the goals of the Strategy, and to create more coordinated approaches to biodiversity conservation in general. State agencies participating in the working groups should be encouraged to contribute money and staff time to the efforts.

To illustrate the above approach, the council recommends establishing a formal science collaborative, which would use existing agency staff (and possibly others from universities and non-government organizations) to develop and manage science-based products to support Strategy implementation. Several of the council's recommendations rely on an assumed availability of scientific analysis

and expertise—the biodiversity scorecard and the maintenance of the conservation opportunity framework are two examples.

OPTION TO CREATE AN NGO TO PARTNER WITH THE COUNCIL

The council explored the advantages of establishing a nonprofit, non-government organization to support the work of the council, the implementation of the *Biodiversity Conservation Strategy*, and other objectives. The non-government organization is envisioned as working primarily to raise funds and other resources. The council's full analysis is included as Attachment C.

The council researched several models of statutorily authorized non-government organizations that support the work of the state, including the following:

- The Puget Sound Partnership, which was authorized by statute to create a private, nonprofit corporation to assist the partnership in restoring Puget Sound through raising money and resources.
- The Washington State Parks Foundation, established in 2000 by the Legislature to solicit support for the state park system.
- The Washington Academy of Sciences, established by the Legislature in 2005, and modeled after the National Academy of Sciences.

The council evaluated the pros and cons of creating a private, nonprofit foundation for several purposes: fundraising, public education, and as a vehicle for broadening the breadth of private interests involved in the council's work. The council's preliminary analysis determined that the most beneficial and feasible purpose of a non-government organization would be to raise funds and other resources, although additional analysis will be critical should the council elect to pursue this option. The council recommends that the Legislature authorize the permanent council to create such a non-government organization and to preserve this as an option for the council to consider at its discretion.

LEGISLATIVE AND POLICY ACTIONS

The council recommends the following legislative and policy actions:

LEGISLATION

- Direct agencies to participate on council working groups, using existing resources.
- Formalize the council's relationship with Washington State Conservation Commission and other conservation programs and service providers to work together to implement the Strategy.
- Direct production of a biennial report on Strategy implementation status.
- Direct the production of the first biodiversity scorecard in June 2010, with an update every two years.
- Authorize the council to establish a non-government organization for fundraising, at the council's discretion.
- Require a legislative review of the permanent council's mission, structure, functions, and success in seven years (2016).

2009-2011 BUDGET PACKAGE

The council's 2009-2011 decision package advances three of the council's top priorities.

- Close gaps in the availability of incentive programs offered to private landowners.
- Train citizens to work with scientists to monitor biodiversity and provide cost-effective data for the state biodiversity scorecard.
- Develop improved tools to focus investment on the state's most urgent conservation needs.

PERFORMANCE MEASURES

- Work with the Office of Financial Management to build performance measures related to Strategy implementation into natural resource agency strategic plans.

BUDGET COORDINATION

- Coordination by agencies on components of their budgets that relate to biodiversity conservation and Strategy implementation.

ATTACHMENTS

ATTACHMENT A: ORGANIZATIONAL MODELS CONSIDERED

ATTACHMENT B: ANALYSIS OF OTHER STATE BIODIVERSITY LEADERSHIP INITIATIVES

ATTACHMENT C: FEASIBILITY OF ESTABLISHING A NON-GOVERNMENT ORGANIZATION

ATTACHMENT A: ORGANIZATIONAL MODELS CONSIDERED

	Description	Organization	Pros	Cons
Option1	No new entity.	Distribute responsibility across agencies.	No new bureaucracy. Method of distributing activities could encourage agencies to integrate actions into their own agency planning. Least expensive.	With no agency to oversee implementation, the recommendations likely will be lost. No priority focus on biodiversity issue. Some recommendations may not fit easily within agency work plans.
Option 1A	No new entity, but one agency responsible to track and report.	Distribute responsibility across agencies, <i>AND</i> One agency directed to track and report progress.	No new bureaucracy. Method of distributing activities could encourage agencies to integrate actions into their own agency planning. Provides for follow-up implementation check; limited accountability.	Without authority to actively “work” Strategy, may be difficult to ensure implementation with the other work agencies do. Lose focus on biodiversity as a priority issue.
Option 2	Establish council within a state agency. <i>Most similar to current structure.</i>	Biodiversity Leadership Council is supported by an agency. Recommendations are tracked AND worked. Council leads outreach, education, and other programs.	Ensures the recommendations will be monitored. Option is most consistent with current structure. Provides for not only a follow-up implementation check, but also adaptive management of the recommendations.	Needs resources. If council is within one state agency such as Recreation and Conservation Office, limits ability to direct others and create expectations.
Option 3	New, independent state agency. Scope limited to biodiversity. <i>Most similar to Puget Sound</i>	New, independent agency governed by the Biodiversity Commission. Agency is managed by an executive director and staff.	Ensures an elevated priority for the issue. Ensures the recommendations will be monitored. Provides for not only a follow-up implementation check, but also adaptive management of the recommendations.	Perception issue -- new agency; more government. It will take resources to implement. Will likely encounter turf issues related to agencies.

	Description	Organization	Pros	Cons
	<i>Partnership.</i>	Could pull in some functions and staff from other agencies.		
Option 3A	New, independent agency. Scope beyond biodiversity to other natural resource Issues.	New, independent agency governed by the Ecosystem Commission. Agency is managed by an executive director and staff. Coordinates biodiversity, invasive species, climate, other ecosystem planning and protection efforts.	Ensures for coordination and consistency of related efforts. Ensures an elevated priority for the issues. May be attractive to Governor; less boards and commissions. Could pull in some functions/staff from other agencies – achieve coordination. Possibility for deep integration of issues; synergy, efficiencies.	A new agency. It will take resources to implement. Too much for one entity; could be unwieldy. Interests, stakeholders, constituents, among the issues are too varied for one entity. Likely to be lots of turf issues with agencies.
Option 4	New office established in Governor's Office. Similar to Governor's Salmon Recovery Office.	Office of Biodiversity Conservation established in Governor's Office, or, A cabinet position is established to direct and report on efforts. Needs director and staff.	Ensures an elevated priority for the issues. Provides stature of a Governor's Office. Provides (potentially) authority to ensure cooperation among agencies; monitor actions.	A new office, will take resources to implement. Perception issue of more government. Close association with Governor makes office vulnerable in changing administrations; may not be sustainable. Involvement of key stakeholders not evident; also may need advisory board.
Option 5	Establish council as non-government organization.	Biodiversity Council as new non-government organization. Tracks progress from implementing agencies and delivers results to implementing agencies.	Non-government organization potential for good diversity of interests; opportunity to bring in a number of perspectives, interests and expertise. Provides for follow-up implementation check.	Work could be ignored by agencies. Funding may be limited if agencies aren't part of the process. With a strong tie to state government and direct mandates, council could be ignored.

	Description	Organization	Pros	Cons
Option 5A	<p>Establish council as non-government organization working in partnership with state agencies</p> <p>Consider Washington Wildlife and Recreation Coalition as rough model</p>	<p>Biodiversity council as a new non-government organization - works in partnership with a companion state agency steering group or council.</p> <p>Could possibly add a third partner, such as a university science panel or institute.</p>	<p>Very diverse; opportunity to bring in a number of perspectives, interests and expertise.</p> <p>Non-government organization outside of government may help promote accountability.</p>	<p>Who has lead?</p> <p>Where does authority come from?</p> <p>How does relationship work between state agency committee and non-government organization?</p>
Option 6 Possible model, Oregon Institute of Natural Resources	<p>Establish Institute of Biodiversity Conservation.</p> <p>Located outside of government with government representatives on advisory board.</p> <p>Public-private funding.</p> <p>Possibly associate with university.</p>	<p>Biodiversity Institute.</p> <p>Tracks and reports progress, facilitates collaborative solutions, <i>leads</i> cooperative efforts between agencies and organizations.</p> <p>Coordinates research and prepares reports.</p> <p>Hosts Web site, conducts outreach and education on biodiversity.</p> <p>Guided by an advisory board.</p>	<p>Creates entity to ensure long-term sustainability for issue.</p> <p>Creates strong link to science; could combine this with the recommendation for a science panel.</p> <p>Provides link to academic resources.</p> <p>Dedicated resources towards facilitation; might be able to effectively broker cooperation between agencies.</p> <p>Could have wide ranging benefits beyond biodiversity.</p> <p>Locating outside of government may create stronger accountability.</p> <p>Can lead scorecard development.</p>	<p>New entity; will take time and money to design and "build."</p> <p>Turf issues.</p> <p>Needs resources.</p> <p>Needs authority piece – perhaps lead by a Governor appointee?</p>

ATTACHMENT B: ANALYSIS OF OTHER STATE BIODIVERSITY LEADERSHIP INITIATIVES

From California and Oregon, to Florida and Maine, state efforts have sought to develop strategies for addressing the erosion of their natural heritage through the development of comprehensive, collaborative, and proactive strategies for biodiversity conservation and restoration.

From *Status of the States: Innovative State Strategies for Biodiversity Conservation, 2001*¹

As part of the research for this proposal for biodiversity leadership and accountability, staff examined how state biodiversity initiatives have been faring since the Environmental Law Institute released *Status of the States: Innovative State Strategies for Biodiversity Conservation* in 2001.

Of the 24 state biodiversity programs examined, ten continue to focus on biodiversity conservation, ten did not respond to queries, and seven have suspended activities or have changed in some fundamental way. Please see the spreadsheet "Current Status of Biodiversity-Related Organizations" for additional information.

As *Status of the States* notes, a state biodiversity initiative typically consists of the following:

- A strategy for convening multiple interest groups and institutions to achieve consensus on methods to conserve biodiversity.
- A strategy to identify and assess areas of biodiversity concern for conservation.
- An effort to review state policy and legal mechanisms that may affect biodiversity.
- A strategy for educating the public about biodiversity in the context of the state in which they live.

¹ Environmental Law Institute, 2001, *Status of the States: Innovative State Strategies for Biodiversity Conservation*. http://www.elistore.org/reports_detail.asp?ID=29

Although each of these components is essential to the development of an effective statewide strategic plan, states shape their biodiversity conservation efforts in ways that emerge from each one's unique circumstances. The origins, structure, capacity, scope, and longevity of these programs vary considerably.

Illinois, New York, and Oregon provide three examples exhibiting some of the range of these differences. The Illinois Natural History Survey dates back to 1858 and houses six sections, including the Section for Biodiversity. It is part of a larger state agency, the Illinois Board of Natural Resources and Conservation. With 18 full-time equivalent employees and funding of \$3 million, Illinois's Section for Biodiversity is one of the largest state programs.

The New York State Legislature directed the founding of the New York Biodiversity Research Institute in 1993. It is housed within the New York State Museum, which is part of the state education department. Four full-time employees operate with a budget of \$1.5 million.

The Oregon Biodiversity Project was organized in 1993 by a nonprofit organization, Defenders of Wildlife. They engaged 50 cooperators among state and federal agencies and the private sector. Funding approached \$1 million over the life of the project, and it supported one full-time technical position and four part-time staff. The Nature Conservancy of Oregon and the Oregon Natural Heritage Program also provided staff support. After 1999, the work of the project was continued primarily by these two partners, and the northwest office of Defenders of Wildlife shifted its focus to a Web-based tool, the Conservation Action Registry.

Several state programs are housed at universities (California, Colorado, Kentucky, Nevada) while others lack institutional backing at this time. The Pennsylvania Biodiversity Partnership is working to establish non-profit status under the aegis of the Tides Foundation, and the Indiana Biodiversity Initiative is struggling to maintain funding and momentum.

Funding levels for state biodiversity initiatives vary greatly, from practically none to Illinois's \$3 million. Funds derive from a number of sources and mechanisms. These include:

- Annual dues from federal and state agencies (California)
- Grants and contracts (federal, state, private)
- Real estate transfer tax (New York—these revenues are distributed via the state's Environmental Protection Fund)

- Sponsorship (e.g., by university or museum)
- Private donations; memberships.

The ten programs examined here emphasize different activities and topics, including:

- Conservation maps
- Science (research, expert opinion)
- Education and public engagement
- Grant programs
- Conservation incentives
- Information source or information clearinghouse
- Land use and development
- Inter-agency coordination
- Policy

Serving as an information source or clearinghouse is the one area that these programs have in common. Most provide some kind of scientific expertise and education and public engagement. Of these ten programs, only Illinois equals Washington in breadth.

Status of the States supplies a list of successful elements for the structure and process of a state biodiversity effort:

- Support from high-level officials from the outset
- Inclusion of a broad range of stakeholders, including locally elected officials
- Staff
- Clear, measurable goals to guide the initiative
- Methods for monitoring on-the-ground progress
- Campaigns for education and outreach

- Strategies for reaching private landowners
- Consideration of a citizen science component
- Strategies for communicating with the media
- Emphasis on tangible results early and throughout the project
- Biodiversity information delivered to target audiences

This survey of current state biodiversity programs confirms a conclusion from *Status of the States*, that there is no one best organizational structure for state biodiversity conservation efforts.

Status of Other State Biodiversity Initiatives

Name	Housed in	Members	Staff	Funding	2005	2006	2007	Strategy	Conservation Maps	Science	Education and Public Engagement	Grant Programs	Incentive Programs	Consulting, Information Resource	Conservation Land Use and Development	Interagency Coordination	Policy
California																	
California Biodiversity Council	CAL FIRE and the University of California	Federal and state agencies	.5	Federal and state	\$97,500	\$97,500	\$97,500			✓	✓			✓	✓		
Colorado																	
Colorado Natural Heritage Program	Warner College of Natural Resources	No council or advisory board	24	Grants and contracts	\$2 million	\$2 million	\$2 million		✓	✓				✓	✓		
Hawaii																	
The Hawaii Conservation Alliance	N/A	N/A	N/A	Grants and donations	N/A	N/A	N/A			✓	✓			✓			✓
Illinois																	
Section for Biodiversity, Illinois Natural History Survey	Division of Department of Natural Resources	State agencies, academia	18	State and grants	N/A	N/A	\$3 million	✓	✓	✓	✓		✓	✓	✓	✓	✓
Indiana																	
Indiana Biodiversity Initiative	No current base	State agencies, academia, private planners	~0-1.5	Academic and grants	\$1,000	\$1,000	\$1,000		✓	✓				✓	✓	✓	
Kentucky																	
The Center for Biodiversity Studies	Western Kentucky University	Academia, non-government organizations	~1	Academic	\$50,000	\$50,000	\$50,000		✓		✓			✓			
Nevada																	
Nevada Biodiversity Research and Conservation Initiative	University of Nevada	Academia, state and federal agencies	~1.5	Federal and State	\$775,000	\$0	\$0		✓		✓			✓			
New York																	
Biodiversity Research Institute	New York State Museum	Federal and state agencies	4	State	N/A	N/A	\$1.5 million	✓		✓	✓	✓		✓			✓

Status of Other State Biodiversity Initiatives

Name	Housed in	Members	Staff	Funding	2005	2006	2007	Strategy	Conservation Maps	Science	Education and Public Engagement	Grant Programs	Incentive Programs	Consulting, Information Resource	Conservation Land Use and Development	Interagency Coordination	Policy
Pennsylvania																	
Pennsylvania Biodiversity Partnership	N/A	State agencies, industry, conservation organizations	N/A	Grants, donations, sponsors	~\$185,000	N/A	N/A	✓		✓	✓			✓	✓		✓
Washington																	
Washington Biodiversity Council	Recreation and Conservation Office	Federal and state agencies, academia, industry, conservation organizations, landowner groups	2	State and donations	\$250,000	\$250,000	\$250,000	✓	✓	✓	✓		✓	✓	✓	✓	✓
Listed on Biodiversity Partnership web site (www.biodiversitypartners.org) but staff has not responded to inquiries. Current status of project or organization is unknown: Maryland, Michigan, Missouri, New Jersey, New Mexico, Oklahoma, Wisconsin																	
Biodiversity-related organizations no longer in existence: Delaware, Florida, Kentucky, Maine, New Hampshire, New York, Oregon																	

ATTACHMENT C: FEASIBILITY OF ESTABLISHING A NON-GOVERNMENT ORGANIZATION

To: Biodiversity Council

From: Heath Packard, Policy and Planning Specialist
Recreation and Conservation Office

Re: **DRAFT** Considerations for a statutorily-authorized non-government organization that supports Washington’s biodiversity leadership

Summary

The Washington Biodiversity Council (council) is developing recommendations for future biodiversity leadership and accountability structures in Washington. This memo provides an analysis and recommendations regarding the possibility of a state-authorized non-government organization (NGO) that would support the work of a future permanent biodiversity entity.

Recommendation

A legislatively-authorized NGO can sometimes bring added value to the work of the state and its agencies. Before such an organization is established, the specific purpose of that NGO should be well thought out and purposefully designed to maximize that added value. For the council, the added value in an NGO is most likely to be found in the arena of raising money and other resources. However, there are serious challenges that need to be overcome to ensure the NGO’s success in this case, including organizational development, competition for limited funds, and marketing “biodiversity” and a state program.

Background

In 2004, Governor Gary Locke established the Biodiversity Council (council) through Executive Order 04-02. The council is comprised of gubernatorial appointees representing state and federal agencies, local government, tribes, private industry, agriculture, forestry, ranching, academia and non-government conservation organizations, and the public at large. The council was charged with developing a 30-year, comprehensive prioritized strategy to sustainably protect the state’s biodiversity heritage.

The council released the Biodiversity Conservation Strategy (strategy) in 2007 and the council expired at the end of 2007. Because of strong momentum to move forward, and a

willingness to implement the strategy, Governor Gregoire extended the council in 2008 with Executive Order 08-02. The council extension expires on June 30, 2010, or at such time that a permanent leadership entity is identified to support the council and strategy implementation.

The council is drafting a report for the Governor that will provide recommendations for establishing permanent biodiversity leadership and accountability structures for Washington to support strategy implementation. The council has explored six discrete options for this structure. The options range from no new entity to establishing a non-government organization to establishing a new state agency.

The council currently favors an option that is most similar to its existing structure. That is, to establish a biodiversity council as a public-private partnership administered by a state agency. However, the council also sees potential in incorporating some elements of the other options into its favored option of a permanent council.

The council has requested an analysis of the potential benefits, disadvantages, and legal questions concerning the idea of establishing a non-government organization (NGO) to support the work of a permanent council recommendation. Specifically, the council has asked for an analysis that answers these questions. How could a biodiversity leadership NGO

- Increase fundraising capacity?
- Expand representation on the council?
- Educate the public?
- Increase accountability in strategy implementation?

The council also asked for examples or models, and the lessons that can be learned from existing NGOs authorized by government to support state programs and agencies.

Analysis

NGOs, or nonprofit organizations² are often referred to as the “third sector,” with government and its agencies being viewed as the first and private commerce and industry viewed as the second sector. The third sector is characterized by volunteerism, charitable giving, and other forms of public service and philanthropy. United States Code Title 26, Internal Revenue Code Section 501 defines several types of organizations that are tax-exempt including:

² “Non-government organization” (NGO), frequently refers to a legally constituted organization created by private organizations/people, with no government participation or representation, that is involved in international development. NGO is increasingly used in domestic vernacular to refer to nonprofit organizations as defined by US Internal Revenue Code. It is apparent that the council intends NGO to refer to a nonprofit organization incorporated in Washington.

- Charitable organizations (Code section 501(c)(3))
 - Public charities
 - Private foundations
- Social welfare organizations (section 501(c)(4))
- Agricultural/horticultural organizations (section 501(c)(5))
- Labor organizations (section 501(c)(5))
- Business leagues (trade associations) (section 501(c)(6))

For the purposes of this analysis, NGO means a “charitable organization” defined by of Internal Revenue Code section 501(c)(3). The other types of organizations defined in section 501 are probably not suitable for the roles being explored by the council. To secure nonprofit, tax-exempt, status with the Internal Revenue Service³, an NGO doing business in Washing must incorporate in the state⁴. This incorporation requires establishing the NGO’s purpose, duration, and the initial board of directors in addition to other provisions.

Regardless of whether the legislature authorizes creation of an NGO by the permanent state structure, or if the NGO is organically created by interested stakeholders, it is prudent (if not a legal requirement) to establish a complete separation of operations and representation between the NGO and the state. Some minor overlap in representation between the state agency and the NGO may be permitted by law. However, the models reviewed for this analysis suggest that there has to be an ‘organizational firewall’ between the state agency and the NGO⁵.

What organizational models could be considered for a biodiversity NGO?

There are several examples of NGOs authorized by the Revised Code of Washington. The statutory framework and organizational development experience of each of these NGOs provides useful context for the council’s consideration.

1. *Puget Sound Partnership (partnership)*

The 2007 statute that created the partnership authorizes the agency to take steps to create a private nonprofit corporation to assist the partnership in restoring Puget Sound through raising money and resources, engaging and educating the public, and other similar activities directed by the partnership.

³ <http://www.irs.gov/charities/index.html>

⁴ RCW 24.03

⁵ If the council moves forward with an NGO recommendation, the council probably should consult with the Attorney General or another qualified attorney on this and other questions identified in this memo.

The partnership is currently taking actions to form this nonprofit. Based on partnership's staff experience, the council may want to consider the following.

- a. Incorporating an NGO is complex and is most efficiently done with the assistance of a qualified attorney.⁶
- b. The state has to “relinquish management” of the NGO at the time of incorporation because there needs to be a significant degree of separation between the agency and the NGO by the time of incorporation.
- c. The best role for the NGO at this time is to focus on raising funds from corporations who have an appetite for:
 - i. supporting Puget Sound clean up;
 - ii. tax-deductions from charitable donations; and,
 - iii. trusting NGOs more than government with their money.
- d. An NGO can cultivate corporate sponsors using business practices that cannot be practiced by public employees (buying dinners, paying for tours, etc.).
- e. Public education roles are adequately being served by agency staff, and there is no apparent benefit to engaging the NGO in this role. The same can be said of policy and action plan development.

2. *Washington State Parks Foundation (foundation)*

In 2000, the legislature established the Washington State Parks Foundation to solicit support in the form of tax-deductible contributions for the state park system. Nearly one third of the park system has come from donations (often land donations).

The foundation has had some growing pains and is probably the strongest it has been to date. This fiscal year, the foundation has a \$300,000 budget. About \$60,000 of that is going into park projects. Project dollars projected for the coming fiscal year are closer to \$180,000. There are \$2 million dollars, from two major donors, that will be spent on a specific project in the next several years.

The council can benefit from several lessons learned by State Parks and the foundation in this process including:

- a. Start the NGO with a clear mission, focus, and objectives,
- b. If NGO purpose is fundraising, identify early the “unique product” that the NGO is selling or marketing,
- c. Do not establish the NGO with a board of directors comprised of agency staff,
- d. Do not staff the foundation with agency staff,

⁶ The Puget Sound Partnership has retained an attorney for \$25,000 to set up the legal framework for the Puget Sound Foundation including bylaws, state incorporation and initial filing with the IRS.

- e. Consult early with an assistant attorney general to define the agency-NGO “firewall” to ensure legal separation of entities/resources,
- f. Identify how the NGO operating budget will be funded,
- g. Consider the economic climate if NGO is focused on fundraising,
- h. Develop a strong board with the right qualifications at the outset,
- i. Answer this question before forming the NGO: “Why should someone donate money to the government?” and
- j. Recognize that while the agency may fund foundation operating costs and provide liaison support staff if defined through cooperative agreement or contract the agency still has to “find the money.”

3. *Washington Academy of Sciences (academy)*

The state legislature established the Washington Academy of Sciences in 2005, modeling it after the National Academy of Sciences, which is made up of four nonprofit organizations that work outside the framework of government to ensure independent advice on matters of science, technology and medicine. The academy’s mission is to provide scientific analysis and recommendations on issues referred to the academy by the Governor or the legislature.

The academy has also experienced some organizational development challenges. These include capitalization of the organization’s operating budget and securing project funding.

Could an NGO expand biodiversity fundraising capacity?

Yes. This is a common strategy for the use of NGOs to support the work of the state. However, it is a challenge and there are limited numbers of successful models. To do this the NGO needs to be designed with a strong emphasis, if not sole focus, on fundraising. This would include a strong board of directors with access to major philanthropists, and business and industry leaders who are motivated to raise money and other resources to sustain biodiversity in Washington. The board and staff would have to be experienced in corporate fundraising, grant-writing, donor cultivation, membership development, developing earned income streams, and other fundraising skills. The purpose and mission of the NGO would have to be clearly and explicitly defined and tied to funding the products, projects, and outcomes prescribed by existing or future biodiversity strategies generated by the state.

Pros	Cons
May leverage major funds from corporations wishing to invest in a state-driven strategy for reasons including positive highly visible public relations.	Need to overcome challenges of marketing and selling “biodiversity” and state programs.
NGO could cultivate donors/supporters from business and industry sector in ways state employees cannot (e.g. buying lunch, paying for tours, etc.)	Difficult to identify the specific product, service, or market niche that the NGO is “selling” to investors beyond what the state is doing.
Could broaden the caliber of business, industry, and philanthropic leaders engaged in supporting biodiversity council efforts—while council members are more at the practitioner and expert level.	Likely to be competing with council members’ home organizations for corporation and philanthropic donations.
	Biodiversity is not a dinner-table-topic or household brand—it will be more difficult to sell than Puget Sound or State Parks.
	NGO must be focused and have a steady revenue stream to sustain staff who are focused on raising money for the mission, not for the organization’s operations.
	Bad timing with regard to current economic climate.

Could an NGO expand the diversity of representatives engaged in biodiversity leadership?

Yes, but this is usually not a primary purpose for an NGO. This is dependent on the purpose, mission, objectives, focus, and public stature of the NGO and its cause. It appears that certain community leaders may be drawn to serve as board members or advisors to the NGO. If the NGO were focused solely on fundraising, the NGO might be able to attract state-level philanthropic, business, and industry leaders who would not otherwise be appropriate to serve on the permanent council. An NGO may attract opinion-leaders from the “political class” that could increase statewide visibility and awareness. The NGO might also elect to solicit members or supporters who are vested in the mission of biodiversity but not necessarily represented directly on the permanent council. In most cases, this is a secondary benefit of an NGO that is focused on another mission.

Pros	Cons
May engage influencers and opinion leaders who could help educate the public, media, donors, and decision makers.	Due to firewall between state agency and NGO, state must “relinquish control” over the NGO and rely on board members to uphold purpose and mission of NGO. Risk of “agendas” being brought to table of NGO and its activities.
Opinion leaders could increase the currency of terms and products connected to biodiversity.	

Could an NGO expand public education about biodiversity?

Perhaps. It is difficult to identify ways that an NGO could do education that a state agency could not. The one exception is with regard to the education of decision-makers, ultimately influencing legislation. Public employees are essentially restricted from lobbying, while NGOs are permitted to use a limited amount of their resources to influence legislation.⁷ It would not be prudent (legal?) to have the state authorize the creation of an NGO with the primary purpose of influencing legislation.

The Puget Sound Partnership is focusing its foundation on fundraising because they do not see added value or benefit to their education programming at this time. An independent NGO can educate business leaders using business practices that state employees cannot use (buying lunch, paying for tours, etc.).

Pros	Cons
	No demonstrated value added in terms of educational programming.
	State could neither legislate nor encourage the purpose of influencing legislation.

Could an NGO increase accountability in strategy implementation?

Perhaps. This is an interesting question that the council may want to explore further with specific regard to the biodiversity scorecard or other monitoring and accountability tools. However, the model that works best here might mirror the Washington Academy of Sciences, with a bent toward conservation biology. If the council identifies a need for non-government objectivity connected to its work, the council should ask itself if the existing academy could fill that niche.

⁷ See Title 501(h) U.S. Code Title 26

Pros	Cons
	Extra layers of accountability and reporting could diminish the scientific expertise and opinion that the state agencies and the biodiversity council’s public-private partnership have collected.

Next Steps

Before including a NGO in the council’s final recommendations, the council should decide:

1. What specific purpose the creation of a biodiversity NGO would serve,
2. How that purpose would be better served by the NGO than a state agency,
3. Where the NGO will get its operating budget,
4. Whether the NGO needs to be authorized by statute or not, and
5. How to best structure a statute to ensure the outcomes identified in 1-3 above.

What legal questions need to be answered by the Attorney General or other qualified attorney before advancing a recommendation?

If the council considers advancing a recommendation for legislative authority or direction to create an NGO related to future biodiversity leadership structures, the following legal questions may need to be answered:

1. What are the legal restrictions on state-authorized NGOs?
2. What does the NGO/Agency “firewall” look like? What is required?
3. How long can state employees or council appointees help direct the development of the NGO?

What other steps should the council consider regarding NGO formation?

The council may consider securing the services of a fundraising consultant to assess the market viability of an NGO focused on sustaining biodiversity in Washington and helping to support the work of the state. The consultant could be asked to make recommendations for organizational development, market niche, minimizing conflict/competition with existing partners and other pertinent questions. The council could exercise this option after the NGO is authorized to be created, but before staff takes other actions to create the NGO.

NOTE: Additional reference materials are available by contacting the Washington Biodiversity Council.