

Who Should be at the Table and What Should They Be Talking About?

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Photo credit Salt Lake Tribune

Who is at the table?

- Main players with full seats:
 - Federal Government (DOI) (federal law, Ariz v. Cal)
 - 7 Basin States (Compact)
 - Water and power users (through the states and BOR)
- Sitting closer to the table:
 - Mexico (via treaty)
 - Tribes (via federal reserved rights)
- Sitting around the back of the room:
 - Environmental groups and other NGOs (any leverage through federal statutes and public opinion)

What is there to talk about?

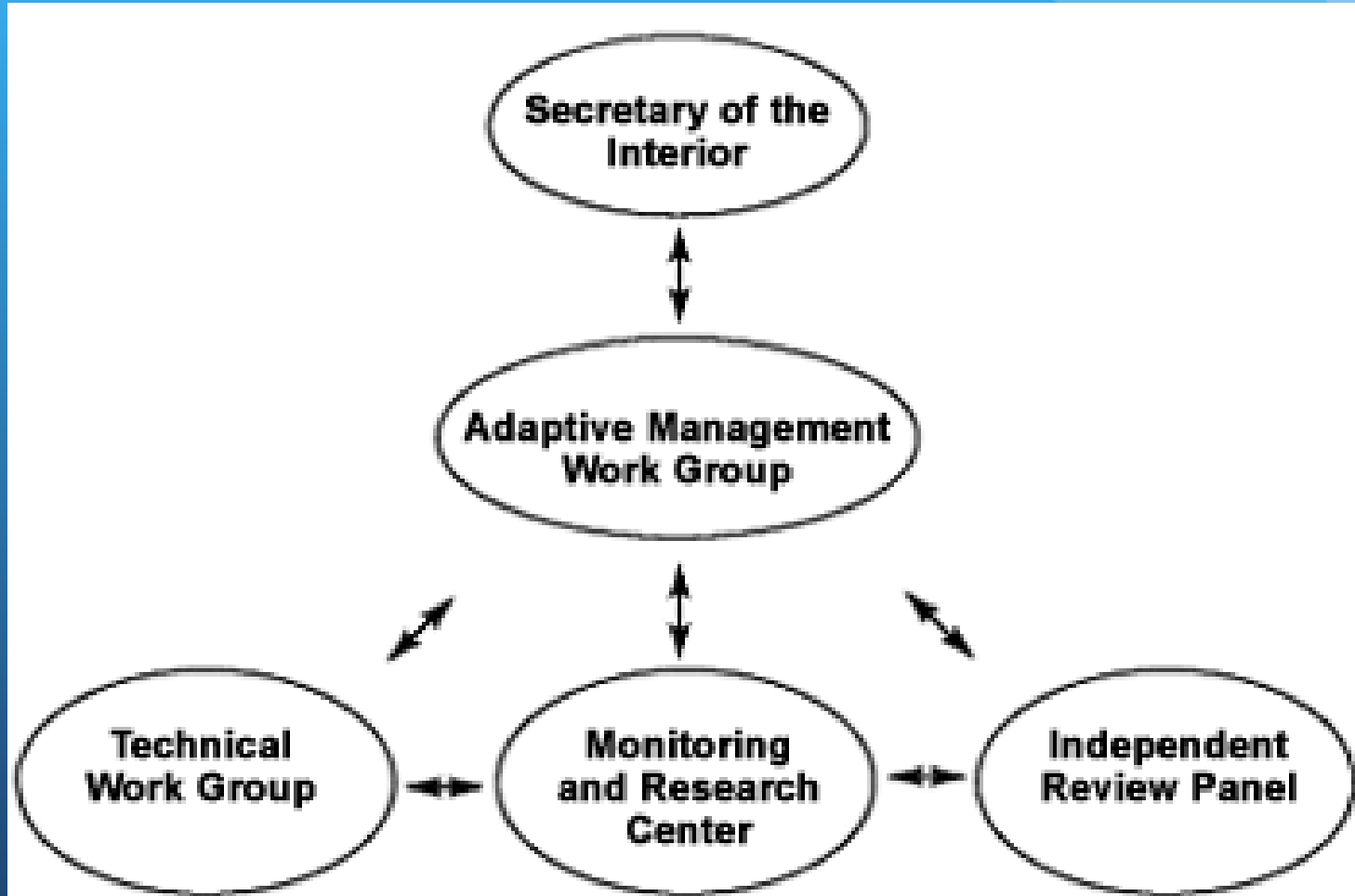
- Will there be enough water for the Delta?
- Will the Tribes get (and be able to use) their fair share?
- Can we restore the river and meet Compact obligations?
- Can the basin states continue to avoid litigation through flexible Compact implementation?
- How to deal with the massive uncertainties due to climate disruption?

Participation in Colorado River decisions

| Process | Who's "in"? | Who's "out"? |
|------------------------------|--|--------------------------------|
| Compact | States, Interior | Tribes, Mexico, NGOs |
| Upper River Recovery Program | States, Interior, water & power users, NGOs | Nongovernmental roles advisory |
| GCDAMP | States, Tribes, Interior, water & power users, NGOs | Nongovernmental roles advisory |
| LCRMSCP | States, Tribes, Interior, water & power users, some NGOs | Mexico, Some NGOs (by choice) |
| Salinity Control Program | States, Interior, Water Users, Mexico (via IWBC) | NGOs |

Note: Analysis does not include regular participation in NEPA or notice and comment rulemaking processes.

What does “participation” mean?



Source: Bureau of Reclamation

Value of more participants

| Criterion | Result | Comments |
|-------------------|--------|---|
| Efficiency | No | Takes longer to make decisions |
| Effectiveness | Maybe | “Good” result depends on goals; better to agree on goals? |
| Public Acceptance | Yes | External challenge less likely; more efficient in long run? |

Other large watershed programs

| Program | Whole Watershed | Single Decision Body | NGO Participation | Tribal or International Participation |
|----------------|-----------------|----------------------|-------------------|---------------------------------------|
| Great Lakes | Yes | No | Advisory | Yes |
| Everglades | Yes | Yes | No | No |
| Chesapeake Bay | Yes | Yes | Advisory | N/A |
| SF Bay-Delta | Yes | Yes (Advisory) | Advisory | Advisory |

Some potential lessons

- Whole watershed focus (Getches 1997)
 - Nest existing efforts within watershed process
- Single decision forum for entire basin
- *At minimum* provide advisory status for all stakeholders in all aspects of Colorado River decision making
 - No participation and even advisory status leads to litigation - common interest in avoiding