



Winter 2002

Choreographing NGO Strategies to Protect Instream Flows

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Recommended Citation

Lynne M. Paretchan, *Choreographing NGO Strategies to Protect Instream Flows*, 42 NAT. RES. J. 33 (2002).
Available at: <https://digitalrepository.unm.edu/nrj/vol42/iss1/4>

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Choreographing NGO Strategies to Protect Instream Flows

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ABSTRACT

Non-governmental organizations play key roles in the efforts to enhance and protect instream flows in western rivers. To provide direction to individuals and organizations working on instream flow issues, this Article evaluates the eight primary strategies used by non-profit, non-governmental organizations working on instream flow issues: expanding legal protections, government agency oversight, coordinating with land trusts and conservancies, establishing instream flow water trusts, coalition efforts, building public awareness, creating new institutions, and using legal advocacy. These evaluations illustrate that while the strategies are related, each addresses a unique opportunity to further protect instream flows. While instream flow interests are best served when non-governmental organizations are able to employ all of the

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strategies within every state, where this is not yet possible, a framework for distinguishing and prioritizing the strategies is suggested to assist instream flow advocates in selecting the best tools to achieve their desired outcome.

I. INTRODUCTION

Trout swimming upstream in the rivers of the Pacific Northwest unknowingly rely on the longtime efforts of numerous non-profit, non-governmental organizations (NGOs) for the existence and protection of their habitat.¹ In Oregon and Washington, water rights held for streamflow purposes in rivers, "instream flow rights," have been granted the same legal status as any other water right. Coincidentally, streamflow issues and the restoration of aquatic habitats are the primary focus of many river advocacy groups, land conservancies, and water trusts in the Northwest. In sharp contrast, in states such as New Mexico where state statutes do not recognize instream flow rights for rivers and NGOs are only recently focusing their efforts on streamflow issues, aquatic species swim in much more precarious waters.² This is not due to geography or precipitation but to the confluence of law and politics and strategy.

NGOs are now a major force working toward the restoration and protection of instream flows throughout the West.³ Their efforts are increasingly making the critical difference in how state and federal agencies evaluate their management and allocation of western water. The strategies used by these organizations include working to expand legal protections, providing agency oversight and input, coordinating with land trusts and conservancies, establishing instream flow water trusts, coordinating coalition efforts, building public awareness, creating new institutions, and using legal advocacy in order to protect and augment instream flows on western rivers. In employing these strategies, NGOs act as watchdogs, facilitators, mediators, and educators, roles not always appropriate to the numerous state and federal authorities involved with streamflow issues.

Instream flow interests are best served when NGOs are able to employ every strategy within a single state since every strategy addresses

1. In Oregon, the modern instream flow preservation programs began in 1955. See SARA F. BATES ET AL., *SEARCHING OUT THE HEADWATERS* 162-63 (1993). See generally OR. WATER RES. DEP'T, *INSTREAM FLOW ENHANCEMENT*, available at <http://www.wrd.state.or.us/publication/stratplan99/stewardship2.html> (1999); John Borden, *Oregon's Minimum Perennial Streamflows*, in *INSTREAM FLOW PROTECTION IN THE WEST* (Lawrence J. MacDonnell & Teresa A. Rice eds., 1989).

2. NGOs working on instream flow issues in New Mexico include Amigos Bravos, Forest Guardians, Law and Water Fund of the Rockies, and Rio Grande Restoration.

3. See Appendix I for more information about the NGOs mentioned in this Article.

a unique opportunity to protect instream flows. Working in concert on a statewide basis, NGOs are able to orchestrate the implementation of key strategies and target priority basins for focused efforts. Environmental organizations and organizations of fishing enthusiasts often work hand-in-hand to conserve the habitats necessary for coldwater fisheries at the national, state, and local levels. In states where NGOs are as of yet unable to implement every strategy, instream flow advocates are advised to review the strategies utilized in other regions to determine the best approach to achieve their desired outcome.

This Article begins by first examining the options afforded by western states to protect instream flows and then looks at the strategies currently employed by NGOs to address instream flow issues. Next, a framework to distinguish the strategies is described and recommendations are made to assist in prioritizing the strategies presented. This Article concludes by assessing that the most effective protection of instream flows will occur (1) when each western state has an NGO able to represent instream flow interests at the legislative, agency, and judicial levels; (2) when each western state has an NGO able to facilitate transfers of off-stream water rights to instream flows; and (3) when NGO efforts are coordinated on a state-wide or regional basis.

II. WESTERN STATES, NGOS, AND INSTREAM FLOW RIGHTS

Instream flow rights are established by new appropriations of water rights on western rivers where the flows are not fully allocated⁴ and by transferring existing water rights to instream flow purposes. Fourteen western states have statutes or administrative rules recognizing the right of

4. Alaska, Idaho, Montana, and Washington allow the reservation of minimum instream flows to prevent future appropriations below set levels. In Alaska, reservations may not affect prior appropriations. See *INSTREAM FLOW PROTECTION IN THE WEST* 1-7 (Lawrence J. MacDonnell & Teresa A. Rice eds., rev. 1993). Montana reserved approximately 70 percent of the average annual flow in the upper basin of the Yellowstone River and 62 percent of the lower basin for instream flow purposes. See generally Matthew J. McKinney, *Instream Flow Policy In Montana: A History and Blueprint for the Future*, 11 PUB. LAND L. REV. 81 (1990). Washington has withdrawn over three-hundred waterways from future appropriations. See Richard Wahl, *Acquisition of Water to Maintain Instream Flows*, 1 RIVERS 195 (1990).

State programs akin to the National Wild and Scenic River Act, 16 U.S.C. §§ 1271-1287 (1994 & Supp. I 1995 & Supp. II 1996 & Supp. III 1997 & Supp. IV. 1998 & Supp. V. 1999), protect specified rivers in California, Idaho, Oklahoma, Oregon, and South Dakota. See also Albert E. Utton & John Utton, *The International Law of Minimum Stream Flows*, 10 COLO. J. INT'L ENVTL. L. & POL'Y 7, 10 (1999).

government agencies, private organizations, or individuals to hold water rights for instream flow purposes.⁵

For example, in Oregon, the right to convert water rights used off-stream to instream flows is established by statute.⁶ This allows any water right holder to donate, sell, or lease part or all of their existing water right so it may become an instream water right, which then retains the same priority date as the original right. The statute does not specify, however, who holds the ensuing instream right. Not surprisingly, the Oregon Water Resources Department interprets the statute to mean that only this agency may hold instream flow rights so converted.⁷

In the remaining western states, state judiciaries provide the only other route to establish the right to hold water rights for instream flow purposes in the absence of legislative action. In Nevada, for example, the state supreme court recently ruled that even private individuals may apply for instream flow rights.⁸ But in New Mexico and North Dakota, the right of any agency, private organization, or individual to hold water rights for instream flow purposes is yet to be addressed by the courts or legislatures.⁹

III. NGOS AND INSTREAM FLOW PROTECTION

Numerous environmental NGOs are directly or peripherally involved with western instream flow issues. Their attention to instream flow issues reflects the degree to which the organization's mission focuses on streamflow restoration, river ecosystems, and aquatic species, or natural ecosystems in general. While there is natural overlap between these areas, some distinctions are necessary to focus NGO efforts. The quantity of streamflows in rivers is a primary focus for the Center for Environmental Law and Policy, Oregon Water Trust, and WaterWatch. NGOs whose mission focuses on river and aquatic ecosystems work on instream flow issues in part because flow is a critical component to riverine ecosystems. NGOs working in this area include American Rivers, California Trout,

5. Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. See generally, *INSTREAM FLOW PROTECTION IN THE WEST* (Lawrence J. MacDonnell & Teresa A. Rice eds., rev. ed. 1993); DAVID M. GILLIAN & THOMAS C. BROWN, *INSTREAM FLOW PROTECTION* (1997); Ronald A. Kaiser & Shane Binion, *Untying The Gordian Knot: Negotiated Strategies for Protecting Instream Flows in Texas*, 38 NAT. RESOURCES J. 157 (1998).

6. Instream Flow Act, OR. REV. STAT. § 537.348 (1987).

7. Thus far, NGOs have been willing to work under this interpretation; however, the advantages and disadvantages of such a system for water trusts had substantial discussion. See Janet C. Neuman & Cheyenne Chapman, *Wading into the Water Market: The First Five Years of the Oregon Water Trust*, 14 J. ENVTL. L. & LITIG. 135, 167 (1999).

8. Nevada v. Morris, 766 P.2d 263 (Nev. 1998).

9. See New Mexico Op. Att'y Gen NM-AG 98-01 (1998).

Pacific Coast Federation of Fishermen's Association, and Trout Unlimited. For NGOs focusing on ecosystem protection and preservation, their work on instream flow issues is a piece of the larger puzzle. NGOs in this category include Environmental Defense, Friends of the Earth, Greater Yellowstone Coalition, The Nature Conservancy, and the Natural Resources Defense Council.

NGOs are particularly important representatives of streamflow interests because of their ability to work on many fronts. Traditionally, NGOs have served as (1) legal advocates through participation in judicial and administrative proceedings and legislative lobbying, (2) owners and stewards of property held for environmental purposes, and (3) researchers of and publishers on scientific issues.¹⁰ The complexity of instream issues has grown with the continued listing of endangered aquatic species under the Endangered Species Act¹¹ (ESA), bringing instream flow questions to the forefront on many western rivers. The resulting lack of simple solutions and the possibility of extended litigations have encouraged government agencies, and private and commercial interests to both cooperate and partner with NGOs in order to forge innovative, non-litigatory solutions.¹² "[B]oth government agencies and developers are looking to [NGOs] to mediate the relationship between economic and ecological functions by conceiving, communicating, brokering, and implementing site-specific solutions" in advance of formal legal proceedings.¹³

IV. ARRAY OF NGO STRATEGIES

A. Expand Legal Protections

Many NGOs focus their efforts on establishing and expanding legal protections for instream flows. As advocates for environmental concerns, NGOs are well positioned to participate in rulemaking proceedings that affect streamflows and to advocate for improved state statutes to protect and restore instream flows for the sake of fisheries and aquatic habitats. This involves working to establish minimum stream flows as in Idaho where Idaho Rivers United successfully petitioned the Idaho Water

10. Lee P. Breckenridge, *Nonprofit Environmental Organizations and the Restructuring of Institutions for Ecosystem Management*, 25 *ECOLOGY L.Q.* 692, 694 (1999).

11. 15 U.S.C. §§ 1531-1544 (1994).

12. See *Water Returns to the Walla Walla*, *INSTREAM: THE NEWSLETTER OF WATERWATCH OF OREGON*, Summer 2000 (interim settlement achieved by state and tribal biologists, NGOs, and irrigation districts to protect endangered trout and steelhead); *Stream of Consciousness*, *INSTREAM: THE NEWSLETTER OF WATERWATCH OF OREGON* 2, Fall/Winter 2001, available at <http://www.waterwatch.org/instream.html>.

13. Breckenridge, *supra* note 10, at 701.

Resource Board to establish minimum streamflow levels on priority streams.¹⁴ NGOs can also act as the spokesperson in state legislatures when anti-instream flow interests react with proposals for exemptions to protection statutes and try to dismantle laws allowing the transfer of water used off-stream to instream flow uses.¹⁵ On the national level, NGO efforts are necessary to respond to the assertions of hydropower lobbyists made to congressional committees in an effort to counter the work of river advocates.¹⁶

B. Agency Oversight and Input

At the state level, NGOs protect instream flows by monitoring and commenting on actions proposed by state water agencies to grant and transfer water rights¹⁷ and by evaluating the extent to which state agencies are actually enforcing the terms and conditions of state water rights.¹⁸ NGOs also respond to scenarios where water right holders divert more than their allowed diversion rights,¹⁹ and when groundwater pumpers affect streamflows because of a lack of agency oversight and metering systems.²⁰

14. See IDAHO RIVERS UNITED, PROTECT IDAHO RIVERS: STATE PROTECTION, at <http://www.idahorivers.org/stateprotection.html> (last visited Jan. 3, 2002); see generally IDAHO CODE TITLE 42, §§ 1501-1506 (1999).

15. Neuman & Chapman, *supra* note 7, at 178; WATERWATCH, WATERWATCH PROGRAMS: LEGISLATION AND LOBBYING, at <http://www.waterwatch.org/programs.html> (last visited Jan. 1, 2002).

16. The Wexler Group, a Washington, D.C., lobbying group funded by the hydropower industry, designed and implemented a full scale lobbying and media campaign to eliminate what it characterizes as overwhelming regulatory burdens and an arbitrary license review process for hydropower facilities. See THE WEXLER GROUP, at <http://www.wexlergroup.com/> (last visited Jan. 1, 2002); *Waterpower: Clean Energy Coalition*, at <http://www.wexlergroup.com/> (last visited Jan. 1, 2002).

17. To preserve flows for endangered salmon, WaterWatch helped secure moratoriums from Oregon, Washington, and Idaho on any new water rights from the Columbia River system. WaterWatch also monitored the enforcement of these moratoriums and, in 1996, blocked a huge new agricultural diversion on the Columbia's main stem. See WATERWATCH, WATERWATCH ACCOMPLISHMENTS, at <http://www.waterwatch.org/accompl.html> (last visited Jan. 1, 2002).

18. See CTR. FOR ENVTL. LAW & POLICY, AGENCY OVERSIGHT AND COLLABORATION, at <http://www.celp.org/whatwedo.htm> (last visited Dec. 31, 2001). See also LAND & WATER FUND OF THE ROCKIES, WATER PROJECT, at <http://www.lawfund.org/workip.htm#water> (Spring 1999); LAW FUND DESIGNS WATER PROGRAM, LAW NOTES v.10.1 (1999), available at <http://www.lawfund.org/archives/10-1-2.htm#waterprogram>.

19. See Reed D. Benson, *Maintaining the Status Quo: Protecting Established Water Uses in the Pacific Northwest, Despite the Rules of Prior Appropriation*, 28 ENVTL. L. 881 (1998).

20. See CAL. TROUT, CALTROUT FILES COMPLAINT WITH STATE WATER RESOURCES CONTROL BOARD, at <http://www.caltrout.org/press/deepcreek.htm> (Nov. 2, 2000).

NGOs often participate in states' general stream adjudication processes and act as interested parties to challenge the amount of water rights claimed by water right holders. In the Klamath Basin in Oregon, an ongoing adjudication will determine what water is available for ecologically important lands such as Crater Lake National Park, national wildlife refuges, the wild and scenic portion of the Klamath River, and several national forests and wilderness areas. WaterWatch is challenging approximately 50 old claims to water rights in the basin—enough to irrigate several thousand acres—in an effort to ensure that all water use is reasonable, efficient, and measured, as there is not enough water in the basin to meet all of the existing claims.²¹

At the federal level, NGOs play a significant role in reviewing the proposed operation and performance standards for federal power projects to protect aquatic species. For example, the operating strategies of the twenty-nine federally owned hydropower projects on the Columbia and Snake Rivers, operated by the U.S. Army Corps of Engineers and the Bureau of Reclamation, are currently under intense NGO and public scrutiny as they are revised to provide the instream and reservoir conditions necessary to ensure adequate survival of salmon populations.²² NGOs are also focusing significant attention on the relicensing applications of privately operated hydropower projects coming before the Federal Energy Regulatory Commission (FERC) by routinely intervening as interested parties.²³ Two hundred and fifty federal licenses for private hydropower facilities will expire by 2010 on rivers across the United States. Since these licenses are typically granted for thirty to fifty years, the relicensing proceedings present a singular opportunity to revise long-term dam operations to ensure the quantity and qualities of water necessary to sustain aquatic species.²⁴

In California, monitoring by the Pacific Coast Federation of Fishermen's Associations and Environmental Defense of the Department of the Interior's (DOI) obligation to deliver 800,000 acre-feet (AF) per year of environmental project water, mandated by Congress in 1992 for restoration of salmon and steelhead, determined that the full amount of water was not

21. See WATERWATCH, *INSTREAM: WATERWATCH OPPOSES KLAMATH WATER CLAIMS* (2000).

22. See SALMONRECOVERY.GOV, *OVERVIEW*, at <http://www.salmonrecovery.gov/overview.shtml> (last modified Dec. 21, 2000).

23. See AM. RIVERS, *THE PROCESS: LICENSING HYDROPOWER DAMS—THE WORK WE DO*, at <http://www.amrivers.org/hydropowerdamreform/hydrowork.htm> (last visited Mar. 24, 2002); CAL. TROUT, *CALTROUT CONSERVATION VICTORIES*, at <http://caltrout.org/about/convict.html> (last visited Mar. 24, 2002).

24. See AM. RIVERS, *HYDROPOWER DAM TOOLKIT*, at <http://www.amrivers.org/hydropowertoolkit/> (last visited Mar. 24, 2002).

being delivered.²⁵ In fact, DOI was delivering only half the scheduled amount. Since DOI claimed it had delivered its full obligation, it was necessary for the NGOs to go to court where ultimately in 2000 a federal judge agreed that DOI did "double count" the environmental project water and required DOI to deliver the missing 400,000 AF of water to California's ecosystems.²⁶

When NGOs participate in the crafting of habitat conservation plans and other ESA settlement agreements,²⁷ in the transfer of federal facilities to irrigation districts,²⁸ and in hydroelectric dam relicensing applications,²⁹ they create an opportunity to sit at the table and negotiate for the protection of instream flows as part of the final package. In 1999, California Trout and a number of other NGOs negotiated a multimillion-dollar commitment for river protections and enhancements from Pacific Gas & Electric (PG&E) to address past and ongoing environmental damage caused by the power company's hydropower dam operations throughout California.³⁰

Providing oversight and formal and informal comments on agency actions and collaborating with public and private partners on plans to protect the environmental values of rivers and streamflows can be a long and involved venture, but the NGO efforts described here attest to the significant successes that can result.

C. Coordinate with Land Trusts and Conservancies

The protection of land by land trusts, conservancies, and public agencies can impact instream flows when the land has water rights

25. Reclamation Projects Authorization and Adjustment Act of 1992, 43 U.S.C. §§ 317-616 (commonly referred to as the Central Valley Project Improvement Act).

26. See ENVTL. DEF., CALIFORNIA FISH WIN DAY IN COURT, at http://www.environmentaldefense.org/pubs/Newsletter/2000/Jun/r_fish.html. (June 2000).

27. See *Water Returns to the Walla Walla*, INSTREAM: THE NEWSLETTER OF WATERWATCH OF OREGON, Summer 2000.

28. See generally LAW FUND OF THE ROCKIES, WHAT'S THE BIG DEAL ABOUT FEDERAL "ASSET TRANSFERS" (2000).

29. See Press Release, California Trout, Rock Creek—Cresta Relicensing Settle Agreement Signing (Sept. 20, 2000) (provides improved year-round, minimum streamflows that follow the natural flow patterns in the river and are intended to preserve and improve fish, wildlife, and streamside habitat) available at <http://www.caltrout.org/press/RCC.htm>.

30. Unfortunately PG&E's bankruptcy filing in 2001 cut short this 1999 restoration commitment. See Press Release, California Trout, Major Agreement Signed to Restore Rivers and Streams Affected by California Hydropower Projects (Sept. 8, 1999) (signatories included American Whitewater, California Outdoors, California Sportsfishing Protection Association, California Trout, Foothill Conservancy, Friends of the River, National Heritage Institute, and Trout Unlimited, along with American Rivers, National Audubon Society, and the Planning and Conservation League), available at <http://www.caltrout.org/press/chrcrel.htm>.

associated with prior industrial or agricultural endeavors no longer contemplated by a new conservation oriented owner. Such instances present an opportunity for land trusts and instream flow advocates to work together in both structuring the purchase agreement to include water rights and in facilitating the transfer of these water rights to instream flow purposes.

NGOs that focus on needs of aquatic species often work in partnership with land trusts and conservancies to protect aquatic habitats by purchasing stream-front property that is uniquely able to support species of wild trout. For example, the American River Conservancy, an NGO that focuses on the American River watershed east of Sacramento, California, received several grants from California's Wildlife Conservation Board³¹ to acquire and protect lands fronting tributaries of the American River.³² American Rivers, a national NGO, helped secure eight million dollars in federal funding in 1999 to restore natural places along the Missouri River.³³ Even though the primary effects of these funds are to improve riparian habitats and water quality, instream flow advocates should not overlook this important link to river restoration efforts.

D. Establish Instream Flow Water Trusts

Water trusts provide a unique alternative to water right holders looking for a buyer or alternative user of their water rights. Water trusts are similar to land trusts in that they seek to protect environmental values by acquiring an ownership interest in the natural resource itself, the water right. Water trusts operated by NGOs acquire previously allocated water rights and transfer them to an instream flow use as allowed by state statute or judicial guidelines. In states where only public agencies are allowed to hold instream flow rights, NGO water trusts can play a valuable role by acting as the broker and/or facilitator for transfers of water rights to state agencies to hold for instream flow purposes.

In 1993, the Oregon Water Trust (OWT) became the first NGO water trust in the West and was followed by the establishment of the Washington Water Trust in 1998 modeled after the OWT's startup. The founders of OWT were initially seeking to apply the lessons of private land trusts to the water arena and test "market environmentalism."³⁴ Their

31. Funded in part by the Habitat Conservation Fund established by California Proposition 117 of 1990, at <http://holmes.uchastings.edu/cgi-bin/starfinder/5055/calprop.txt> (1990).

32. See AM. RIVER CONSERVANCY, ABOUT ARC, at <http://www.coloma.com/arc/lap.html>. (last modified Oct. 13, 1998).

33. See AM. RIVERS, AMERICAN RIVERS ANNUAL REPORT 1999, at 3 (1999).

34. Neuman & Chapman, *supra* note 7, at 135.

reliance on three principles has led to OWT's well-recognized successes. First, OWT's mission is narrowly focused on the acquisition of water rights in Oregon and committing these rights to instream flow purposes. This emphasis on acquisition means that OWT's involvement in legislative and regulatory matters is limited to matters affecting their ability to accomplish their mission. The reason OWT can afford to limit their attention to regulatory and legislative matters is that other competent NGOs in Oregon focus much of their attention on regulatory and legislative matters relating to instream flows.³⁵

Secondly, OWT works exclusively with voluntary market participants and primarily targets senior water rights, preferably through outright gift or purchase, but also through leasing where necessary and also seeks acquisition of rights that are nearing cancellation for non-use.³⁶ This market-based approach provides water right holders in Oregon with a variety of incentives to convert their consumptive water rights to instream water rights.³⁷ The incentives include increased flexibility in managing water rights through instream lease arrangements, an alternative source of income from marginally productive land, funding for irrigation efficiency projects, and possible tax credits for permanent donations of water rights. Finally, OWT geographically targets its efforts to basins that have historically supported significant fisheries. OWT "concentrates acquisition efforts on small to medium sized tributaries that provide spawning and rearing for salmonoids" because here small amounts of water make a significant impact on the ability of salmonoids to use the tributaries.³⁸

Another category of water trusts are those established by states to hold water rights for instream flow purposes. Texas created the Texas Water Trust (TWT) to hold water rights dedicated to environmental needs, including in-stream flows, water quality, fish and wildlife habitat, or bay and estuary inflows.³⁹ The TWT is part of the Texas Water Bank, established to allow for and assist in the voluntary transfer of water rights between willing buyers and sellers, and part of the state agency responsible for statewide water management, the Texas Water Development Board. The establishment of state water trusts to hold environmental streamflows does not guarantee that flows will be added to the water trust. States need to

35. These NGOs include WaterWatch, Trout Unlimited, Oregon Trout, and the Pacific Rivers Council.

36. Neuman & Chapman, *supra* note 7, at 145.

37. Interview with Cheyenne Chapman, Oregon Water Trust Development Director, in Portland, Or. (Oct. 16, 2000). See also OREGON WATER TRUST, OUR APPROACH, at <http://www.owt.org/> (last visited Apr. 29, 2002).

38. See OREGON WATER TRUST, *supra* note 37.

39. See TEX. WATER DEV. BD., TEXAS WATER TRUST, at <http://www.twdb.state.tx.us/assistance/waterbank/waterbank/wtrust.html> (last modified Nov. 27, 2001).

make a financial commitment to purchase water rights for environmental purposes or rely on NGOs to acquire water rights and donate them to the state water trust.

NGO water trusts using a market-based approach to restore instream flows in targeted basins provide a unique alternative to water right holders looking to sell, lease, or donate their rights. Such water trusts have the potential of becoming a friendly face to industries and businesses that otherwise feel like they are in hostile territory when engaged in debates, regulatory quagmires, and litigation over diverting flows needed by endangered and threatened species. Water rights holders are likely to be more comfortable with the buy/sell/lease/trade/tax credit approach used by water trusts to keep flow in rivers rather than debating endangered species issues in court.

E. Coalition Efforts

Forming NGO coalitions based on a geographic area or a singular issue is a very effective strategy for individual NGOs to maximize financial and staff resources and to present a united front at the bargaining table. NGOs working on streamflow issues share the common interest of protecting and preserving natural ecosystems and routinely use formal and informal coalitions to address regional issues, advance specific projects, and to support litigation efforts and legislative agendas.

Formal coalitions of NGOs are often created in response to concerns involving powerful corporate interests and/or multiple federal agencies. The recent wave of hydroelectric facility relicensing applications and the pressing needs of the anadromous fish routinely stranded or killed by these facilities spurred national and regional NGOs to unite under the umbrellas of the California Hydropower Reform Coalition⁴⁰ and the Columbia and Snake Rivers Campaign.⁴¹ Statewide coalitions of conservation groups and

40. Coalition members include American Rivers, American Whitewater, California Outdoors, California Trout, California Sportfishing Protection Alliance, Center For Sierra Nevada Conservation, Foothill Conservancy, Friends of the River, Kern River Alliance, Kern Valley Community Consensus Council, Kernville Chamber of Commerce, Mono Lake Committee, Natural Heritage Institute, Planning and Conservation League, San Joaquin Paddlers, Save Our Streams, Sequoia Paddlers, Shasta Paddlers, Sierra Nevada Alliance, Trout Unlimited, and Tuolumne River Preservation Trust. See <http://www.calhrc.org>.

41. See <http://www.wildsalmon.org/about/campaignsupport.cfm> (last visited Mar. 24, 2002). The Columbia & Snake Rivers Campaign, a project of the Save Our Wild Salmon Coalition, is a national collaboration of conservationists, anglers, local and national businesses, and taxpayer advocates committed to recovering America's Pacific Northwest wild salmon and the healthy rivers and habitat upon which they depend, including the removal of the four Lower Snake River dams. Campaign members include American Rivers, EarthJustice Legal Defense Fund, Friends of the Earth, Idaho Rivers United, Idaho Wildlife Federation, Institute

environmental NGOs create a central source of information about legislative threats and opportunities, increase grassroots advocacy skills, and improve coordination among member groups.⁴² NGOs also come together in formal coalitions to support restoration agendas for specific basins⁴³ or geographic areas,⁴⁴ and for dam removal initiatives.⁴⁵

Informal coalitions develop where multiple NGOs are concerned with a specific issue and over time they develop working relationships sufficient to create a united front. For example, in 1998 eight NGOs in southern Oregon joined in relicensing settlement talks regarding a hydropower facility with state, federal, tribal, and fishing industry representatives, and the power company that owned the dam. The Soda Springs Dam was well known to severely impact instream flows and create fish-unfriendly ramp flows on the North Umpqua River, a river that has a reputation as a classic steelhead fishery. Talks progressed until September 2000 when a settlement deadline passed without a resolution and five of the NGOs declined to participate further, preferring that the Federal Energy Regulatory Commission begin its formal license review process. This informal coalition gave the NGOs the opportunity to coordinate their separate interests at the negotiating table but did not bind any one to pursuing a single strategy that would foreclose future litigation options.⁴⁶

Informal coalitions of tribes, fishing associations, and NGOs are often created when these groups discover their common interest in

of Fisheries Resources, National Wildlife Federation, Natural Resources Defense Council, Northwest Environmental Defense Center, NW Energy Coalition, Northwest Sportfishing Industry Association, Pacific Coast Federation of Fishermen's Associations, Save for All, Sierra Club, Taxpayers for Common Sense, Trout Unlimited, and Washington Trollers Association.

42. See, e.g., *Oregon Conservation Network*, at <http://www.olcv.org/ocn> (last visited Jan. 1, 2002) (a network of nearly 100 conservation organizations in Oregon).

43. See generally *Mni Sose Intertribal Water Rights Coalition, Inc.*, at <http://mnisose.org/> (last modified Feb. 27, 2002) (Missouri River Basin Tribes working together to secure Indian water rights to the Missouri River).

44. See generally *Alliance for the Wild Rockies*, at <http://www.wildrockiesalliance.org/index.html> (last visited Jan. 1, 2002).

45. See generally *The Kennebec Coalition*, at http://www.maineenvironment.org/Edwards_Dam/edwardslast.htm (last modified Mar. 21, 2002) (formed in 1989 by American Rivers, the Atlantic Salmon Federation, the Natural Resources Council of Maine, and Trout Unlimited and its Kennebec Valley Chapter for the exclusive purpose of securing removal of the Edwards Dam and restoration of the Kennebec River).

46. See generally *STAN VEJTASA, NORTH UMPQUA HYDRO PROJECT RELICENSING*, at <http://www.umpqua-watersheds.org/unf/nuhp.html> (Sept. 28, 2000); Brian T. Meechan, *Umpqua Clash a Portent of Future*, OREGONIAN, Oct. 8, 2000; Press Release, OR. DEPT. OF FISH & WILDLIFE, RESOURCE AGENCIES, PACIFICORP, ANNOUNCE NORTH UMPQUA AGREEMENT, at <http://www.dfw.state.or.us/public/NewsArc/2001News/June/061301news.htm> (June 13, 2001).

initiating litigation,⁴⁷ intervening in ongoing litigation,⁴⁸ or avoiding litigation by seeking negotiated solutions. In the Klamath Basin, one tribe and eight NGOs successfully intervened in court in 1999 to oppose irrigators' claims that their irrigation rights in the Klamath Basin were not subservient to the ESA and tribal water rights.⁴⁹

F. Build Public Awareness

"Rivers Need Water" is a battle cry and bumper sticker for instream flow advocates. In California and the Northwest, a relentless stream of newspaper articles and lawsuits over depleted fisheries, continued ESA listings, and the relicensing of hydropower facilities have served to highlight the consequences of inadequate flows in river and streams to the general public. It is important that NGOs continue to build public awareness and develop bases of political support in order that legislative and regulatory protections for instream flows are instituted at the state level.

NGOs routinely acknowledge the importance of educating the public about the instream flow crisis on western rivers as a means to grow a base of concerned allies. The American River Conservancy in California notes that "an educational component is necessary to complement conservation activities for without a community-based understanding of the necessity and means of pursuing [ecological health], mere protection must ultimately prove insufficient."⁵⁰ Similarly, the President of Trout Unlimited (TU) recently identified the mobilization of targeted segments of the public to participate in water resource decisions as a top priority for TU, its state councils, and its Western Water Project⁵¹ (see *infra* III.G.2).

NGOs use a combination of grassroots organizing and new electronic mediums to educate the public and foment public resolve to tackle instream flow issues. The tools include publications, videos, web sites, action alerts, public events, speakers bureaus, and individual contact. Most of the NGOs working on instream issues maintain extensive websites that include background on numerous issues and current information on targeted river and stream projects. (See Appendix I.) These sites serve to

47. See Press Release, Washington Environmental Council, Federal Salmon Plan Violates Law: Environmental and Fishing Groups Sue for Real Recovery (Sept. 12, 2000), available at http://www.wecprotects.org/pressrel/2000_9_12.html.

48. Robert McClure, *Pair of Lawsuits Challenge New Salmon Regulations*, SEATTLE POST INTELLIGENCE, Sept. 13, 2000, available at <http://seattlep-i.nwsource.com/local/salm131.shtml>.

49. Klamath Water Users Protective Associations v. Patterson, 204 F.3d 1206 (1999).

50. See AM. RIVER CONSERVANCY, BACKGROUND, at <http://www.coloma.com/arc/about.html> (last modified Sept. 13, 1998).

51. Charles Gauvin, *Spouting Off*, STREAMFLOW NEWS, Fall/Winter 2000, at 2.

instantly alert the public to changing developments, update ongoing projects, solicit new activists, and mobilize groups of advocates for selected rivers. Some NGOs use their websites to advertise for letter writing activists. CalTrout's site invites you to join an elite writing team, TroutClout, a group of CalTrout members who have committed to "vote for the fish" by writing three or four letters per year to public officials on issues that affect the quality of California fishing.⁵² CalTrout provides carefully researched information to assist TroutClout members in composing their own letters representing the viewpoints of anglers.

The task of raising the public's level of awareness about the operation of western water law and its effects on the environment is an important underlying component of each NGO strategy aimed at restoring and protecting healthy streamflows. Educating the public about the importance of these matters helps shape public opinion while simultaneously mobilizing individuals to lobby for reforms and participate in river restoration efforts.⁵³

G. Create New Institutions

New NGOs are being instituted to fulfill specific missions not adequately addressed by existing NGOs. These new institutions complement the work of the existing NGOs by addressing emerging opportunities to protect and restore instream flows and by responding to collaboration and partnering opportunities with federal and state agencies. The following four examples of recently instituted organizations illustrate how previously existing NGOs helped to initiate the start-up of new organizations and then often continue to partner with and mentor the new NGOs.

1. *Deschutes Resources Conservancy*

The Deschutes Resources Conservancy (DRC) is a nonprofit state corporation created in response to an opportunity for collaboration between tribal, state, federal, and local governments as well as private stakeholders to improve streamflow quantity and quality in the Deschutes Basin in central Oregon.⁵⁴ The DRC is a product of a cooperative project initiated in 1992 by Environmental Defense and the Confederated Tribes of the Warm Springs Reservation to find cost-effective solutions to water problems in the

52. See CAL. TROUT, TROUTCLOUT, at <http://www.caltrout.org/troutclout/tc.htm> (last visited Mar. 24, 2002).

53. See generally COLO. TROUT, COLORADO'S INSTREAM FLOW PROGRAM, at http://www.cotrout.org/instream_flow.htm (last visited Mar. 24, 2002).

54. See generally DESCHUTES RESOURCES CONSERVANCY, ABOUT THE DRC, at <http://deschutesresourcesconservancy.org/about.htm> (last visited Jan. 3, 2002).

Deschutes Basin.⁵⁵ The DRC became a public-private organization in 1996 when Congress authorized federally appointed board members, start-up funds for a five-year period, and a fifty-fifty cost share between the DRC and the federal government for any mutually acceptable projects. The DRC is governed by a nineteen-person board of directors, nine from the private sector and ten from the public sector. Congress reauthorized federal appropriations for the DRC from 2002-2006 at \$2 million per year, in 2000.⁵⁶ Federal agencies are authorized to provide technical assistance and to cost-share ecosystem restoration projects proposed by the DRC for both federal and non-federal lands.⁵⁷

Thus far, the DRC has implemented numerous streamflow and water quality improvement projects that include establishing conservation easements and water right leases and making irrigation system and riparian fencing improvements.⁵⁸ The DRC works with irrigators in the Basin to install water meters and conserve irrigation water by lining or piping open canals to reduce losses to lateral canal leakages. In exchange for improving their irrigation systems, irrigators are asked to dedicate one half of the conserved water to instream flows in the Deschutes Basin.⁵⁹

The DRC recently established the Deschutes Water Exchange (DWE) as a wholly owned subsidiary of the DRC⁶⁰ to promote and facilitate a full range of water market transactions in the Basin. The DRC concluded after several years of evaluation that an active water market will encourage more efficient use of water, making more water rights available to conservation buyers and agencies in the Basin working to restore streamflows and fisheries.⁶¹ The DWE will work well with all types of water market transactions, not just those for conservation buyers.⁶² Net revenues generated by the DWE will be distributed to the DRC to purchase water rights for streamflow restoration.⁶³

55. *Id.*

56. *Id.*

57. *Id.*

58. See DESCHUTES RESOURCES CONSERVANCY, DRC PROJECTS, at <http://www.deschutesresourcesconservancy.org/projects.htm> (last visited Jan. 6, 2002).

59. See DESCHUTES RESOURCES CONSERVANCY, THOMPSON DITCH CONSERVATION PROJECT, at <http://deschutesresourcesconservancy.org/projects/proj99.htm> (last visited Jan. 6, 2002).

60. See DESCHUTES WATER EXCHANGE, BUSINESS PLAN, at <http://www.deschutesresourcesconservancy.org/dwe.htm> (last visited Jan 3, 2002).

61. *Id.*

62. See DESCHUTES WATER EXCHANGE at <http://www.deschutesresourcesconservancy.org/dwe.htm> (last visited Jan. 3, 2002).

63. *Id.*

2. Western Water Project

The Western Water Project (WWP) is a joint initiative of Trout Unlimited and WaterWatch to protect and restore western instream flows and reform western water laws and policies.⁶⁴ WaterWatch was the first state-based group in the West to focus exclusively on restoring and protecting instream flows for environmental uses, and Trout Unlimited is America's largest coldwater fishery conservation organization.⁶⁵ The WWP was initiated in 1998 in response to the situation of western states with world-famous coldwater fishery resources suffering from low streamflows but without sufficient conservation advocates to redress this situation.⁶⁶ The WWP works primarily at the state level and responds to proposals and decisions affecting water allocation and water quality in order "to restore and protect water in key western rivers where diversions for irrigation, industry, and growing cities have depleted streamflows, and threatened fish stocks."⁶⁷

The WWP's approach has been very successful. Initial offices were opened in Montana and Colorado in 1998 and the next offices were opened in Utah and Wyoming in 2001. The goal of each office is to protect and restore water in rivers for healthy fisheries and to open up state decisions on water allocation to meaningful public participation.⁶⁸ The offices are staffed with experienced water law attorneys who work with landowners, dam owners, agencies, anglers, and the local citizenry. In Montana, the WWP worked with ranchers on Montana's Blackfoot River to develop a plan to keep water in the river during the 2001 drought and leased water from irrigators to restore water to depleted streams.⁶⁹ In Colorado, the WWP office is currently opposing efforts by Colorado ski resorts to dewater streams for snowmaking and contesting efforts by the city of Denver to take additional water from streams on the western front of the Rockies.⁷⁰ (See Appendix II for a description of a WWP state office's charge.⁷¹)

64. See TROUT UNLIMITED, WESTERN WATER CAMPAIGN, at http://www.tu.org/campaigns/western_water.html (last visited Mar. 24, 2002).

65. See WATERWATCH, WATERWATCH PROGRAMS, at <http://www.waterwatch.org/programs.html> (last visited Mar. 24, 2002).

66. *Id.*

67. *Id.*

68. TROUT UNLIMITED, *supra* note 64.

69. *Id.*

70. *Id.*

71. TROUT UNLIMITED, *supra* note 64.

3. Water Trusts

Water trusts are a new variety of NGO. While similar to land trusts, they are quite unique because acquiring rights to use water involves different laws and regulations not typically encountered when acquiring real property. The two existing NGO water trusts, the Oregon Water Trust and the Washington Water Trust, were instituted in response to the recognition that states with laws allowing the transfer of water used off-stream to instream purposes need an organization to act as a facilitator of market-based solutions to put flows back in the rivers. The NGOs working in the region recognized that it was not appropriate for any of them to undertake this work and supported the creation of these water trusts to specifically facilitate the transfer of water rights for instream flows from willing water rights holders.⁷²

4. The Low Impact Hydro Institute

The Low Impact Hydro Institute (LIHI) blazes new territory in its mission to institute objective and scientific environmental standards by which to certify hydropower facilities so as to reduce the environmental impacts of hydropower generation and to create a credible and accepted standard for consumers to use in evaluating energy options. The Institute was originally envisioned in 1998 by NGOs working to restore healthy river functions in an arena of rivers saddled with hydropower facilities designed in an era where the needs of aquatic species were all but ignored. Recognizing that hydropower facility design and operations need to be complementary with the needs of river ecosystems, the Institute developed a Certification Program whose objective is to certify hydropower facilities in eight areas: (1) river flows, (2) water quality, (3) fish passage and protection, (4) watershed protection, (5) threatened and endangered species protection, (6) cultural resource protection, (7) recreation, and (8) facilities recommended for removal.⁷³ The Institute's governing board members are each associated with other organizations concerned with the restoration of rivers and their natural functions and are supported by two panels representing related industries, the Hydropower Industry Advisory Panel and the Renewables Advisory Panel.⁷⁴

72. Neuman & Chapman, *supra* note 7, at 135.

73. See LOW IMPACT HYDROPOWER INST., LIHI MISSION, at <http://www.lowimpacthydro.org/> (last modified Feb. 25, 2002).

74. Organizations represented on LIHI's Governing Board in 2001 include American Rivers, Appalachian Mountain Club, Center for Resource Solutions, Environmental Defense, Mainstream Associates, Natural Heritage Institute, Natural Resources Defense Council, Northwest Power Planning Council, Oak Ridge National Laboratory, Potomac Resources, Inc., Renewable Energy Technology Analysis Project, Seattle City Light, and Trout Unlimited.

H. Legal Advocacy

Many NGOs in the instream flow arena rely on legal advocacy as a crucial strategy in both the administrative and judicial settings. The importance of the presence of NGOs with the ability to understand and institute legal proceedings at the agency level cannot be underestimated, nor the ability of NGOs to seek judicial review of agency decisions. Examples of situations requiring legal advocacy have been noted herein and include those to require adequate flows to support endangered aquatic species, to reform management of hydropower facilities, to halt unpermitted water diversions, and to force recalcitrant agencies to comply with both state and federal statutes and regulations. While actual litigation is often unavoidable in this era of aquatic species endangerment, efforts by NGOs, agency personnel, and water right holders to establish constructive working relationships prior to actual court proceedings are also very effective in the negotiation of working solutions outside of courtrooms. (See Appendix I for list of NGOs that utilize legal advocacy.)

V. DISCUSSION

NGOs working on issues involving the protection and restoration of instream flows either (1) focus on one strategy or (2) use a combination of strategies that includes legal advocacy or (3) use a combination of strategies that excludes legal advocacy or (4) focus efforts only on research and policy analysis. (See Appendix I.)

There are two striking distinctions in how NGOs apply the strategies presented herein. First is whether or not legal advocacy is included in an NGO's mix of strategies. NGOs that typically do not use legal advocacy are land and water trusts, conservancies, and those NGOs whose focus is science, research, and policy analysis. NGOs in this group occasionally make a further decision not to engage in legislative advocacy or take any positions on suggested legal reforms.

The second distinction in strategy application is whether or not an NGO focuses its efforts within a single state or a specific geographic region. NGOs that work in a single state are the most effective advocates for expansion of legal protections of instream flows because of their intimate knowledge of the interests and regulations in that state. NGOs that focus on a specific river basin or ecological area typically invest more of their efforts to developing working relationships with the communities, stakeholders, and government authorities in that area in order to build partnerships that cross jurisdictional boundaries.

Instream flow interests are best served when there are NGOs able to employ every strategy within every state since each strategy addresses

a unique opportunity. In states where there are not enough resources to employ every strategy, instream flow advocates are advised to work within a strategic framework where the most essential strategies are identified given the NGO resources within that state. Essential arenas for NGOs are state legislative and agency forums for it is here that the laws regarding instream flow rights are established and permits are granted for use and transfer of water rights. The fact that California, Oregon, Washington, Idaho, Utah, Montana, Wyoming, and Colorado are all states with significant coldwater fisheries has likely contributed to the fact that there are NGOs in each of these states working closely at the state legislative and agency levels on instream flow issues. Another important consideration is that rivers are often in need of an NGO ally with legal advocacy skills. Rivers and fish need advocates to protect streamflows and environmental values recognized under state and federal laws for these interests are often underrepresented or unheeded by the governmental agencies charged with protecting them.

In contrast to the watchdog roles described above, state-based instream flow advocates should consider the advantages of an NGO that provides a friendly face to water rights holders for its willingness to facilitate voluntary market transactions to restore instream flows. Such NGOs have a valuable role to play in educating water rights holders about the costs and benefits of transferring water rights to instream flow purposes. Without such assistance, many willing transferees would likely be dissuaded from this transfer option because states typically have complex regulations that govern transfers for instream flow purposes. This role can be played either by an NGO solely focused on the voluntary transfer strategy or by an NGO who includes this strategy among others. Contrast, for example, the decision by the Oregon and Washington Water Trusts to focus solely on facilitating voluntary transfers to that of the Western Water Project's state offices to include the facilitation of transfers along with an array of other strategies.

Lastly, another high priority for instream flow advocates should be to seek opportunities to optimize and coordinate their efforts with other NGOs working in the instream flow arena. Benefits include optimal use of financial resources, the opportunity to develop united fronts on legislative issues, and the discovery of evolving collaboration opportunities. NGOs working in concert are also in a better position to recognize the need to create new institutions to address emerging issues and opportunities and to partner with state, tribal, and federal authorities.

VI. CONCLUSION

The NGO efforts thus far to protect and restore instream flows are admirable, but the job is far from over. Not every western state has an NGO to act as a river advocate in that state's legislatures and agencies. And even though there are NGOs willing to be legal advocates for western rivers, not every river has an active constituency looking out for its interests and informed enough to know when to notify an NGO with more experience in such matters. Neither are there yet NGOs in every state able to facilitate transfers of water rights to instream flows. Fortunately, most NGOs already embrace working in coalitions and generously support the inception of new NGOs to work on emerging issues and to help nurture the movement in the West to protect instream flows. Instream flow advocates are well advised to evaluate which if any of these essential strategies are yet to be implemented in their state or region of interest and develop plans to address the gaps in order to accomplish the protection and restoration of instream flows on all western rivers.

APPENDIX I: NGO CONTACT INFORMATION

	NGO	Headquarters	Web Address	Use of Legal Advocacy?
California	American River Conservancy	Coloma	http://www.coloma.com/arc/	No
	California Hydropower Reform Coalition	Berkeley	http://www.calhrc.org/	Yes
	California Trout	San Francisco	http://caltrout.org/	Yes
	Friends of the River	Sacramento	http://www.friendsoftheriver.org/	No
Colorado	Colorado Trout Unlimited	Boulder	http://www.cotrout.org/	Yes
Idaho	Idaho Conservation League	Boise	http://www.wildidaho.org/	Yes
	Idaho Rivers United	Boise	http://www.idahorivers.org/	Yes
	Idaho Trout Unlimited	Ketchum	http://www.idahotui.org/	Yes
Montana	Montana Trout Unlimited	Missoula	http://www.montanatu.org/	Yes
New Mexico	Amigos Bravos	Taos	http://www.amigosbravos.org/	Yes
	Rio Grande Restoration	El Prado	http://www.montanatu.org/	No
Oregon	Deschutes Resources Conservancy	Bend	http://www.deschutesresourcesconservancy.org/	No
	Oregon Conservation Network	Portland	http://www.olcv.org/ocn/	No
	Oregon Natural Resources Council	Portland	http://www.onrc.org/	Yes
	Oregon Water Trust	Portland	http://www.owt.org/	No

Appendix I Continued

	NGO	Headquarters	Web Address	Use of Legal Advocacy?
	Oregon Trout	Portland	http://www.ortrout.org/	Yes
	Water Watch	Portland	http://www.waterwatch.org/	Yes
Washington	Center for Environmental Law & Policy	Seattle	http://www.celp.org/	Yes
	Washington Water Trust	Seattle	http://www.thewatertrust.org/	No
	Northwest Ecosystem Alliance	Bellingham	http://www.ecosystem.org/	Yes
	Washington Environmental Council	Seattle	http://wecprotects.org/	Yes
Regional/ National	Alliance for the Wild Rockies	Missoula, MT	http://www.wildrockies.org/	Yes
	American Rivers	Washington, DC	http://www.americanrivers.org/	Yes
	Columbia & Snake Rivers Campaign	Seattle, WA	http://www.wildsalmon.org/	Yes
	EarthJustice Legal Defense Fund	San Francisco, CA	http://www.earthjustice.org/	Yes
	Environmental Defense	New York, NY	http://www.edf.org/	Yes
	Forest Guardians	Santa Fe, NM	http://www.fguardians.org/	Yes
	Friends of Earth	Washington, DC	http://www.foe.org/	Yes
	Greater Yellowstone Coalition	Bozeman, MT	http://www.greateryellowstone.org/	No

Appendix I Continued

NGO	Headquarters	Web Address	Use of Legal Advocacy?
Land and Water Fund of the Rockies	Boulder CO	http://www.lawfund.org/	Yes
Mni Sose Intertribal Water Rights Coalition, Inc.,	Rapid City, SD	http://mnisose.org/	Yes
National Heritage Institute	Berkeley, CA	http://www.n-h-i.org/	No
Northwest Environmental Defense Center	Eugene, OR	http://www.lclark.edu/~nedc/	Yes
Pacific Coast Federation of Fishermen's Association	Eugene, OR	http://www.pcffa.org/	Yes
Pacific Rivers Council	Eugene, OR	http://www.pacrivers.org/	Yes
The Nature Conservancy	Arlington, VA	http://nature.org/	No
Trout Unlimited	Arlington, VA	http://www.tu.org/	Yes
Trust for Public Lands	San Francisco, CA	http://www.tpl.org/	No
Policy Only	Environmental Resources Trust	http://www.ert.net/	No
	Pacific Institute	http://www.pacinst.org/	No
	Rocky Mountain Mineral Law Foundation	http://www.rmmf.org/	No

APPENDIX II: EXAMPLE DUTIES OF WESTERN WATER PROJECT OFFICE

Director of Utah Office—Western Water Project—2000 Recruitment

Fish need water every day. Be their advocate.

Trout Unlimited seeks enterprising, motivated attorney to open Western Water Project Office in Utah.

The Western Water Project (WWP) is a joint initiative of Trout Unlimited (TU) and WaterWatch of Oregon. Its mission is to work primarily at the state level on decisions affecting water allocation and quality. WWP staff seeks to restore and maintain streamflows for healthy coldwater fisheries as well as to meaningful public participation in these decisions. The WWP opened offices in Colorado and Montana in 1998 and hired a federal issues director in 2000.

Duties include:

- Establishing and managing the Utah Office by:
 1. Securing and setting up an office
 2. Recruiting an advisory committee
 3. Developing a workplan to further the WWP's mission in Utah, with input from the advisory committee, the Utah TU Council and other WWP staff
 4. Hiring and managing contractors as necessary and authorized to provide technical or scientific assistance for specific program tasks
 5. Hiring and managing additional staff
- Working to restore and maintain Utah streamflows by:
 1. Working with local, state and federal officials to improve or expand the mechanisms for instream flow protection in Utah
 2. Negotiating cooperative agreements with landowners and agencies to provide flows to Utah streams
 3. Working with anglers and other citizens to build awareness of the current water law system and its effects on the environment, as well as support for restoring and maintaining healthy streamflows
 4. Speaking for TU and the WWP in the media and other public forums

- Establishing and maintaining contacts with other key groups, including:
 1. Utah TU Council
 2. Other Utah conservation groups
 3. State and federal agency personnel, legislators, and other water decision-makers
 4. Agricultural and urban water users
 5. Other groups with an interest in Utah water issues.

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