

State of Washington
Joint Legislative Audit & Review Committee (JLARC)



**PSP'S 2012 Action Agenda Update:
Revised Approach Continues to Lack
Key Accountability Tools
Envisioned in Statute**

Briefing Report

February 20, 2013

*Upon request, this document is available in
alternative formats for persons with disabilities.*

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The statutory authority for JLARC, established in Chapter 44.28 RCW, requires the Legislative Auditor to ensure that JLARC studies are conducted in accordance with Generally Accepted Government Auditing Standards, as applicable to the scope of the audit. This study was conducted in accordance with those applicable standards. Those standards require auditors to plan and perform audits to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on the audit objectives. The evidence obtained for this JLARC report provides a reasonable basis for the enclosed findings and conclusions, and any exceptions to the application of audit standards have been explicitly disclosed in the body of this report.

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BRIEFING REPORT SUMMARY

JLARC's 2011 audit concluded the Puget Sound Partnership's (PSP) 2008 Action Agenda lacked critical accountability tools. Such tools are fundamental to determining whether the hundreds of millions of dollars spent annually on Puget Sound clean-up efforts are restoring the Sound. While the 2012 Action Agenda has taken steps to improve accountability, it continues to have shortcomings in three key areas: linkages, prioritization, and monitoring.

PSP's 2012 Action Agenda: Revised Approach Continues to Lack Key Accountability Tools

To provide us with insights into what has and has not worked for others, JLARC looked for examples of similar restoration efforts in other parts of the country. Our review of the efforts of others leads us to two important conclusions: the Partnership's charge is a very difficult one, with similar efforts having many stories of failure, but few successes; and a focus on accountability and monitoring is key, as learning and adapting to what does and does not work is essential.

When JLARC completed its audit in December 2011, the Partnership was deeply involved in revising the Action Agenda, expected to be approved only a few months later. Recognizing this, JLARC offered recommendations to improve accountability as the Partnership completed its revised 2012 Action Agenda. In its response to the audit, the Partnership agreed these improvements were needed. The Legislature then directed JLARC to review the Partnership's 2012 Action Agenda to determine if those recommendations were implemented.

The Partnership updated the 2012 Action Agenda using a different approach to define problems and develop solutions than the approach outlined in statute or described by the Partnership in its response to JLARC's 2011 audit. The Partnership drafted the Action Agenda to identify what strategies, sub-strategies, and actions would reduce threats or "pressures" to Puget Sound. The Action Agenda was not drafted to identify how much progress these actions are making to meet the Legislature's goals for a recovered Puget Sound.

The Partnership notes certain plans and processes are not yet in place. Thus, some of our concerns may be addressed as the Partnership continues its work. Nevertheless, there are shortcomings with the 2012 Action Agenda's accountability mechanisms; specifically there is a lack of clear linkages explaining how the Partnership's new approach will meet targets established by the Partnership to achieve the Legislature's restoration goals.

The Partnership should focus its future discussions with the Legislature on how it will, or is, addressing the following concerns:

The Action Agenda Does Not Link Actions to the Amount of Progress They Will Make Towards the Long-Term Restoration Goals Established by the Legislature

The Action Agenda shows linkages between actions and strategies and statements of "intermediate pressure reduction results." The Action Agenda shows the indirect relationship between actions and the long-term recovery targets most related to these actions. However, the 2012 Action Agenda does not link actions to the amount of progress they will make towards long-term restoration goals.

Actions are Not Prioritized to Meet Long-Term Restoration Goals

Hundreds of millions of dollars to be spent on ongoing programs have not been prioritized, and the Partnership recommends that all effective ongoing programs be maintained, but has not identified which ones are effective.

Monitoring Data Is Not Available to Facilitate Adaptive Management

Sufficient mechanisms are not in place to monitor the effectiveness of actions, key to understanding what is and what is not working.

The statutory framework for developing an Action Agenda and monitoring restoration progress established expectations in these three areas. We reiterate that the Partnership should identify whether it believes changes are needed to the approach envisioned in statute for restoring Puget Sound.

BRIEFING REPORT DETAIL

When the Legislature created the Puget Sound Partnership in 2007, it recognized the need to constantly evaluate the successes and failures of efforts to restore Puget Sound. Given the complexity of large, ecosystem wide restoration efforts, the Legislature directed the use of adaptive management, which means monitoring results and learning and adapting as restoration proceeds.

A key to this learning, and a foundation of the statute, was the direction to establish short-, medium-, and long-term statements of what needs to be accomplished to restore Puget Sound. Short-term “actions” were to be linked to medium-term “milestones,” which were in turn to be linked to long-term goals.

While the Legislature used very specific terms (such as actions, benchmarks, milestones, objectives, and goals), at the heart of the effort was the recognition that restoration efforts needed to be coordinated and organized in a deliberate manner. Therefore, it was essential to identify linkages between those steps to understand whether the steps were, in the medium- and long-term, resulting in movement in the right direction.

To assure that dollars are directed to the actions and programs most critical to restoring Puget Sound, the Legislature required the Partnership to prioritize between the competing demands, to recommend the highest priorities, and to continually review that prioritization.

JLARC’s 2011 audit of the Partnership identified concerns with linkages, prioritization, and monitoring, and made recommendations to the Partnership to strengthen each. With this follow-up, we continue to be concerned with each.

Partnership’s Approach to Developing Action Agenda Is Different than Anticipated in Statute

What the Action Agenda update does provide: The Partnership drafted the 2012 Action Agenda to identify the strategies, sub-strategies, and actions to reduce the top threats, or “pressures” to Puget Sound’s health.

What the Action Agenda update does not provide: The 2012 Action Agenda does not explicitly identify the actions and strategies necessary to meet medium-term milestones and long-term goals representing a restored Puget Sound. Statute requires that the Action Agenda identify and prioritize the strategies and actions necessary to achieve the goals and measurable objectives. As noted above, the Action Agenda was not drafted to meet measurable objectives but was instead drafted to reduce “pressures.” As such, there are no direct linkages between actions, medium-term milestones, and long-term goals.

While the approach the Partnership took may be appropriate, it is nonetheless not the approach envisioned in statute. As JLARC recommended in its 2011 report, if statute poses barriers to the agency in recovering the Sound, the Partnership needs to communicate this information to the Legislature.

Linkages, Prioritization, and Monitoring

The Action Agenda Does Not Link Actions to the Amount of Progress They Will Make Towards the Long-Term Restoration Goals Established by the Legislature

The Action Agenda shows linkages between actions and strategies and statements of “intermediate pressure reduction results.” The Action Agenda shows the indirect relationship between actions and the long-term recovery targets most related to these actions. However, the 2012 Action Agenda does not link actions to the amount of progress they will make towards long-term restoration goals.

Requirement and its significance: The 2008 Action Agenda did not contain clear linkages between the results of completing actions, medium-term milestones, and long-term goals, and achieving the goals and objectives in statute. **Without these linkages, the Action Agenda does not identify if additional actions are needed, or if the actions listed will restore the Sound by 2020.**

Status:

In its response to JLARC’s 2011 report, the Partnership reported that:

The 2012 Action Agenda will describe the proposed near-term steps for making progress and the measures for evaluating progress toward the 2020 ecosystem recovery targets....The revised Action Agenda will include a description of the relationship between actions and goals. The linkages will show how 2020 ecosystem recovery targets would be achieved by 2020.

In 2011, the Partnership identified 21 indicators and 16 long-term recovery targets for 2020. An example of an indicator is “Shellfish Beds;” an example of a long-term recovery target is “A net increase from 2007 to 2020 of 10,800 harvestable shellfish acres, which includes 7,000 acres where harvest is currently prohibited.”

Though it had adopted these long-term recovery targets, the Partnership made the decision to not assemble the 2012 Action Agenda with the goal of specifically meeting these recovery targets. Instead, the Partnership drafted the Action Agenda to identify what “strategies,” “sub-strategies,” and actions would reduce “threats” or “pressures” (land development, shoreline restoration, runoff from the built environment, waste water, and loss of floodplain function) to Puget Sound that the Partnership felt were not already being addressed in some other forum. The Partnership states that this approach is “consistent with approaches taken in Europe (drivers-pressures-state-impact-response), the global conservation community (direct threats), and the Environmental Protection Agency (stressors and sources of stress).”

Linkages in the Action Agenda show the relationship between actions and strategies and statements of “intermediate pressure reduction results.” As such, the 2012 Action Agenda was not drafted to identify what actions to take to reach the 2020 recovery targets. It was drafted to identify what strategies, sub-strategies, and actions would reduce threats or “pressures” to Puget Sound.

After the 2012 Action Agenda was adopted, the Partnership began work on adopting medium-term milestones that directly align with the long-term recovery goals. In anticipation of adopting

medium-term milestones (interim milestones), the Partnership described in a September 2012 briefing to the Science Panel, that when adopted in the future, these milestones would be used:

... to guide future revisions to the Action Agenda, focus near-term actions, recommend allocations of funding and other resources to specific strategies and actions, and to evaluate Action Agenda implementation and progress towards recovery.

The Partnership adopted 12 medium-term milestones in late October, two months **after** the Action Agenda was adopted. Therefore, the Partnership was not able to use these milestones to focus the Action Agenda's near-term actions or allow a user to understand how proposed actions would be achieved by 2020, as the Partnership described in its response to JLARC's 2011 audit.

Partnership staff report that the Science Panel is currently reviewing the remaining 2020 targets in light of an August 2012 review by the Washington Academy of Sciences that reviewed 11 of the Partnership's indicators, and recommended continuing to use six indicators, revising three, not using two, and adding five additional measures. Partnership staff do not know when medium-term milestones will be available for all of the 2020 targets.

Actions are Not Prioritized to Meet Long-Term Restoration Goals

Hundreds of millions of dollars to be spent on ongoing programs have not been prioritized, with the Partnership recommending that all effective ongoing programs be maintained without identifying which actions are effective.

In addition, new actions are not directly linked to specific targets which makes interpreting the Partnership's prioritization efforts of new actions difficult. An Action Agenda reader does not know what the top priority action is for meeting a goal—there are two separate prioritization efforts, neither of which is directly linked to meeting the 16 long-term recovery targets for a restored Puget Sound by 2020.

Requirement and its significance: RCW 90.71.310(1)(d) requires the Partnership to “*Identify and prioritize the strategies and actions necessary to restore and protect Puget Sound and to achieve the goals and objectives described in RCW 90.71.300.*” JLARC's 2011 audit concluded that actions in the 2008 Action Agenda were not prioritized or sufficiently detailed to guide funding decisions.

In addition, statute contains three requirements for the Partnership to recommend improvements and reallocations of state Puget Sound funding to assure that funds align with top priorities identified in the Action Agenda.¹ JLARC's 2011 report noted that the Partnership had yet to offer such recommendations.

Status:

The Partnership attempted to establish a single, prioritized list of sub-strategies in the Action Agenda based on reducing pressures. The Science Panel prepared a draft single-ranked list and presented it to the Ecosystem Coordination Board (ECB). However, the ECB felt that comparing

¹ 1) RCW 90.71.370(3)(f): State of the Sound Report; 2) RCW 90.71.370(4): Review of agency budgets and the grants and loan programs; 3) RCW 90.71.370(5): 2011-13 Capital budget request.

actions across the three chapters of the Action Agenda (Marine and Nearshore, Freshwater and Terrestrial, and Pollution Prevention and cleanup) was comparing “apples and oranges.” The Partnership reports that the Leadership Council, state natural resource directors, and the Governor’s office agreed.

The Partnership subsequently prioritized “sub-strategies” into three lists. A single sub-strategy is a suite of actions that includes new near-term actions as well as ongoing programs. These three lists are as follows:

- 1) Upland and Terrestrial Protection and Restoration;
- 2) Marine and Nearshore Protection and Restoration; and
- 3) Pollution Prevention and Cleanup.

In addition to this prioritization effort, the Partnership created three “Strategic Initiatives,” which list 20 near-term actions that the Partnership states are most important to be completed within the biennium. These initiatives are:

- 1) Prevention of pollution from urban stormwater runoff;
- 2) Protection and restoration of habitat; and
- 3) Recovery of shellfish beds.

The Action Agenda indicates that these 20 actions were “drawn from the strategies and actions developed during the Action Agenda update process and informed by high-level policy discussions.”

Actions in the Strategic Initiatives are described as directly contributing to progress towards multiple 2020 long-term goals. For example, the initiative “Protection and restoration of habitat” is described as contributing to 13 of the 16 long-term recovery targets. However, the extent to which these actions are expected to contribute to each of these recovery targets is not clear.

The Action Agenda includes the following as guidance for budget writers using the Action Agenda to make funding decisions: (1) Focus on the three strategic initiatives, (2) Maintain effective ongoing programs, (3) Prioritize science needs, and (4) Use the ranked lists of sub-strategies as one piece of information.

The Partnership has not identified which ongoing programs are effective and these programs’ contributions to meeting the 2020 goals. In the 2012 State of the Sound report, the Partnership identified this as a barrier to implementing the Action Agenda:

To date, we do not have a sound-wide inventory of ongoing programs, nor do we have a complete picture of how all of this work contributes to recovery. Without this information, we are not able to evaluate the benefits of shifting funding from existing programs to new programs or initiatives. Making shifts such as this would involve making difficult, and likely controversial, decisions that would be more easily supported if the characteristics and the relative importance of programs were better understood.

Lacking this inventory, the Partnership recommended maintaining all effective ongoing programs but has not identified which ones are effective.

Monitoring Data Is Not Available to Facilitate Adaptive Management

Mechanisms are not in place to monitor the effectiveness of actions, key to understanding what is and what is not working.

Requirement and its significance: Monitoring the outcomes of actions is important to understanding which actions will be successful in restoring the Sound. Statute requires that updates to the Action Agenda are based on adaptive management—an ongoing evaluation and feedback process to learn from what does and does not work in a complex, ecosystem wide restoration project. The legislation directs the Partnership to use information gathered through tracking and monitoring results to revise Action Agenda implementation strategies every two years.

Monitoring Status:

The 2012 Action Agenda has performance measures for each of the new near-term actions. However, as the Partnership acknowledges, most measures relate to outputs or whether a task has been completed or not rather than results in improving the ecosystem. In the 2012 State of the Sound report, the Partnership reports that:

Most of the 2008 Near-Term Actions and a majority of the 2012 Near-Term Actions lack clear, outcome-oriented performance measures. This is in part due to the lack of monitoring effectiveness data as described above, but also to the difficulty of linking single actions with specific ecosystem outcomes.

To complete its 2016 audit, JLARC will need information on the **effectiveness** of actions, not just whether actions were completed. This will require the Partnership to establish outcome-based performance measures. Information reported thus far (in the 2012 State of the Sound report) does not provide such information.

The Partnership will need information on the effectiveness of these actions to adaptively manage future revisions to the Action Agenda. The Partnership reports that this information was not available to develop the 2012 Action Agenda. In the 2012 State of the Sound Report, the Partnership notes that:

Unfortunately, information about the effects of prior-implemented actions was not generally available to inform the selection or refinement of near-term actions for the 2012 Action Agenda.

One of the near-term actions in the 2012 Action Agenda is for the Partnership to develop an adaptive management framework by December 2012.

Reporting Status:

The Partnership has developed a web-based reporting system that, according to the Partnership, will track the status of newly developed near-term actions and illustrate why actions may not be progressing as planned. This system was not in place for JLARC's 2011 report; however, it is designed to improve transparency by providing public access to performance information. However, the online reporting only tracks the new near-term actions and does not provide information on ongoing programs. Thus, it provides users with an incomplete picture of all actions, and it risks not providing information on other critical actions needed for Puget Sound recovery.

Summary

The Partnership should focus its future discussions with the Legislature on how it will, or is, addressing the following concerns:

- **The Action Agenda Does Not Link Actions to the Amount of Progress They Will Make Towards the Long-term Restoration Goals Established by the Legislature.**
- **Actions are Not Prioritized to Meet Long-term Restoration Goals:** Hundreds of millions of dollars to be spent on ongoing programs have not been prioritized, and the Partnership recommends that all effective ongoing programs be maintained, but has not identified which ones are effective.
- **Monitoring Data Is Not Available to Facilitate Adaptive Management:** Sufficient mechanisms are not in place to monitor the effectiveness of actions, key to understanding what is and what is not working.

The statutory framework for developing and monitoring restoration progress established expectations in these three areas. We reiterate that the Partnership should identify whether it believes changes are needed to the approach envisioned in statute for restoring Puget Sound.

APPENDIX 1 – SCOPE AND OBJECTIVES

PUGET SOUND PARTNERSHIP UPDATE

SCOPE AND OBJECTIVES

JULY 18, 2012



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2011 JLARC Audit Made Recommendations to Improve the Work of the Puget Sound Partnership

In 2007, the Legislature created the Puget Sound Partnership to coordinate and lead the effort to restore the Puget Sound by 2020. The Legislature provided specific directives on how to develop an Action Agenda for restoring the Sound. The Legislature also directed the Joint Legislative Audit and Review Committee (JLARC) to conduct two performance audits of the Partnership, the first in 2011 and the second in 2016.

The 2011 JLARC performance audit focused on the accountability directives of the Legislature, as well as other key statutory requirements. The audit found that the Partnership did not meet a number of the key accountability directives related to development of the 2008 Action Agenda. As a result, the Partnership could not demonstrate how its 2008 Action Agenda would lead to a restored Sound by 2020. The audit also found that the agency had not addressed other responsibilities assigned to it in statute.

The 2011 JLARC audit identified what the Partnership needed to provide in its next update of the Action Agenda. The JLARC audit also identified what other steps the agency needed to take to address the shortcomings identified in the JLARC audit. The audit included specific recommendations to address these shortcomings. The Partnership concurred with these recommendations.

2012 Legislature Directs JLARC to Provide an Update on the Partnership's Implementation of the 2011 Recommendations

The Puget Sound Partnership is scheduled to release an update of the Action Agenda in 2012. In the 2012 Legislative Session, the Legislature directed JLARC to review the 2012 Action Agenda and provide an update to the Legislature on the extent to which the Partnership has implemented the recommendations from JLARC's 2011 audit.

Study Scope

JLARC will review the extent to which the Puget Sound Partnership has implemented the recommendations from JLARC's 2011 audit, with a focus on the 2012 Action Agenda.

Some of the 2011 JLARC recommendations deal with the Partnership's State of the Sound report. Because the State of the Sound report is not scheduled to be completed until November 1, 2012, JLARC will not be able to include it in the scope of this review.

Study Objectives

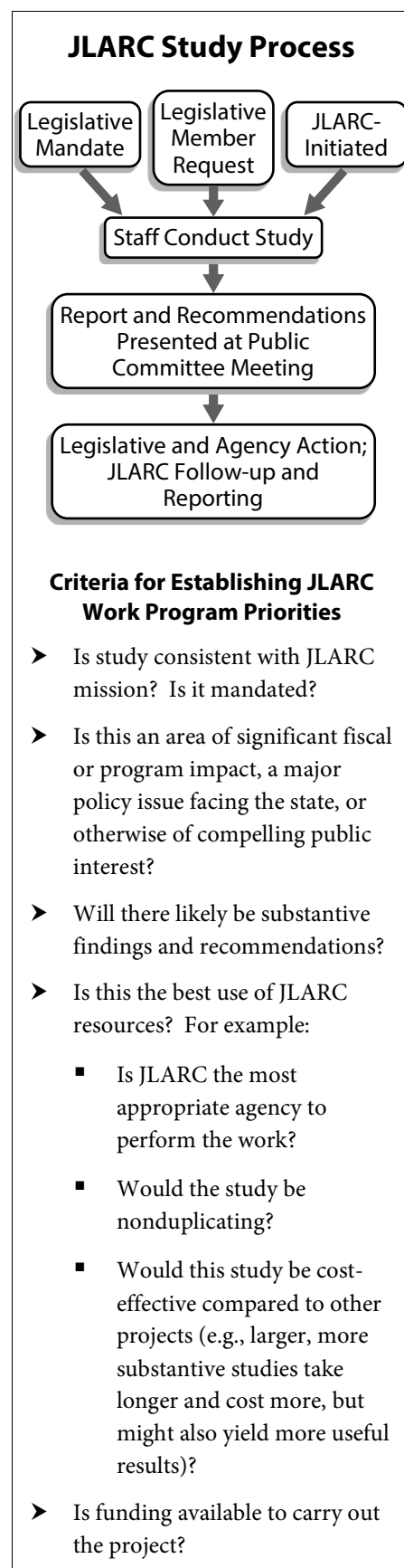
- 1) JLARC will review the 2012 Action Agenda to see if the Partnership addresses the required Action Agenda elements:
 - Benchmarks describing a healthy Puget Sound in 2020;
 - Benchmarks for near-term actions to be completed within the biennium;
 - Clear linkages between actions, measureable outcomes, benchmarks, and goals in statute;
 - Prioritized actions with unit cost information;
 - Detail to guide state grant and loan decisions to locals; and
 - A transparent process for reporting implementation progress.
- 2) JLARC will assess how the agency plans to address the additional statutory requirements identified in JLARC’s 2011 audit, specifically reviewing how the agency will:
 - Assess progress in Puget Sound restoration;
 - Recommend improvements and reallocations of state Puget Sound funding; and
 - Use fiscal incentives and disincentives as accountability mechanisms to assure consistency with the Action Agenda.

Timeframe for the Study

Staff will present the report in December 2012.

JLARC Staff Contacts for the Study

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APPENDIX 2 – AGENCY RESPONSES

Puget Sound Partnership's response follows on page 13.



LEADING PUGET SOUND RECOVERY

STATE OF WASHINGTON

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December 21, 2012

RE: Response to JLARC's Action Agenda Update Briefing Report

Dear Mr. Konopaski:

Thank you for the work of the Joint Legislative Audit and Review Committee (JLARC) staff in preparing the Action Agenda Update Briefing Report. I look forward to discussing the contents of the report with committee members and the committee as a whole in January 2013.

This report clearly meets the JLARC Staff's charter to evaluate the specific and technical elements against the statute. However, the 2012 Action Agenda represents a significant advancement in the Puget Sound recovery effort, both in its content and in the collaborative manner of its development, which has fostered broad support and shared ownership. The region and the Puget Sound Partnership agency are poised for action over the coming biennium to transition the recovery effort from a planning focus to action that achieves results.

The JLARC report makes three main findings. The first is that the Action Agenda does not make quantitative links between each action and how much it contributes to recovery targets. This is true, as in many cases there is not adequate scientific (both natural and social science) basis to state that a given action will result in X acres of improvement. That level of certainty regarding cause and effect relationships in something as complex as ecosystem recovery is largely unattainable. The Legislature recognizes this fact in the Partnership's enabling legislation by emphasizing the need for adaptive management. What the Action Agenda does include, is an unrivaled documentation of the science and logic related to how we expect the near term actions to contribute to achieving the 2020 targets. It is true that this logic will need to continue to be evaluated through adaptive management and status and trend monitoring to ensure we are making the expected progress.

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The second issue identified is that the Partnership has not assessed the effectiveness of existing state agency programs and has not made funding recommendations. The Partnership has in fact made funding recommendations. For example, the Partnership evaluated every natural resource agency budget proposal for the 2013-2015 biennium and provided a single ranked list to the Office of Financial Management. Governor Gregoire's Office and the Office of Financial Management stated that the Partnership's evaluation was a key tool in the Governor's budget development and helped contribute to her proposal that raised Puget Sound funding to unprecedented levels.

The third issue in the JLARC report relates to inadequate monitoring to assess the effectiveness of the Action Agenda. The Partnership is in full agreement with this finding. At federal, state, and local levels, funding for effectiveness monitoring has not been a priority. It is difficult to get funding for monitoring and it is oftentimes the first item cut when resources are scarce. If the state and the region aim to fully realize the evidence-based management envisioned in the Partnership's enabling legislation, much more emphasis on monitoring will be required. I look forward to working with the Legislature on solutions to achieve and maintain adequate monitoring.

We appreciate the emphasis the Legislature has placed on Puget Sound Recovery and I look forward to discussing our successes and challenges with the JLARC committee.

Sincerely,



Anthony Wright
Executive Director
Puget Sound Partnership

APPENDIX 2A – AUDITOR’S COMMENT TO AGENCY’S RESPONSE

Implication of the Inability to Link Investments to Progress

When the Legislature established the Puget Sound Partnership, it envisioned a very deliberate statutory framework for how efforts to restore Puget Sound would be planned and monitored.

This framework envisioned that the Action Agenda would identify the specific amount of progress that would result from a given restoration investment. It also envisioned that interim targets for the amount of progress would be established and tracked prior to 2020, to monitor the status of progress.

In their response to the audit, the Partnership acknowledges that its approach to date does not accomplish this. In explaining why this is not accomplished, the agency states that “that level of certainty regarding cause and effect relationships in something as complex as ecosystem recovery is largely unattainable.”

Without these linkages it will not be possible for the Legislature to know what restoration progress has been achieved as a result of the state’s investments, and whether those investments are making progress that is sufficient to achieve the goals expected for 2020.

Funding Effective Programs

It is important to clarify that JLARC’s report does not state that the Partnership has not offered funding recommendations. In fact, the report acknowledges that the 2012 Action Agenda does contain guidance to budget writers, although not based on meeting the long-term recovery targets.

The concern raised in the report is that the Partnership has not assessed the effectiveness of existing state programs. The Partnership has recommended funding all “effective ongoing programs,” but has not identified for the Legislature which programs are effective. As a result, the Legislature does not have sufficient information to determine whether it is focusing its resources on the most effective programs, whether new or ongoing, as envisioned in statute.

