

Blue Ribbon Task Forces (BRTFs):

Maximizing authority and legitimacy to address wicked resource problems

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Context:

- Characteristics of problems addressed in two CA cases:
 - Resource use problems – “commons,” with substantial histories of weak formal policy making or oversight. MLPA is policy implementation; Delta Vision is policy framing.
 - Wicked problems (value conflicts, uncertainty and conflict re causes and tools, etc.)
 - Histories of conflict without resolution
 - Sufficient “political” space created to allow BRTFs to function, largely because of (1) past failures in other processes and (2) some significant actors who want change

The Blue Ribbon Task Force (BRTF) model includes:

- BRTF of experienced policy makers, without necessity of experience in particular issue; independent; written charge with deliverables on a calendar
- Designated governmental decision making body to receive recommendations
- Science support for BRTF deliberations and for stakeholder work
- Stakeholder involvement through structured processes
- Fully public proceedings, with extensive opportunities to understand and to participate
- Processes managed and supported by independent staff
- Sufficient financial support for activities of all above
- For MLPA I, formal “lessons learned” after first iteration

What the BRTF model can do:

- Make value choices (e.g., place 29 marine protected areas between Pt. Conception and Pigeon Point precluding some historic uses for commercial and/or recreational fishing)
- Define what is needed to make decisions (“x” is relevant to “y” decision but “z” need not be considered, at least at this time for this decision)
- Propel action (by its calendar and actions)
- Bring new information and perspectives into decision making (speak the unspeakable – Delta Vision re limited water)
- Resolve uncertainties and conflicts (among scientists, agencies and stakeholders)
- Shape agenda of decision making bodies and the framing of decisions

Analysis:

- In meeting the expectations of the charge given:

In the MLPA South Central Coast, the BRTF model was able to achieve the six results just listed (see lessons learned reports, especially Harty and John, in sources below). Delta Vision is meeting its charge in a much more complex context with much larger economic and political stakes.

- On broader issue of difficulty in achieving public action:

The BRTF model has the advantages of:

- (1) Independence in making recommendations,
- (2) Singularity of focus,

- (3) Strong commitment by highly qualified individuals from outside government (in BRTF, staff, scientists, stakeholders) and significant contributions by state personnel, and
- (4) Committed funding (preferably *outside* governmental processes).

- On “authority,” “legitimacy” and how BRTFs act authoritatively and legitimately:

BRTF-based processes are formally only advisory but become successful by acting authoritatively within their charge and creating legitimacy by (1) actions based on formal authority (constitution, statutes, etc.), (2) open and inclusive processes, and (3) highly professional work products.

A recent analysis defines authority as the “routinization” or “institutionalization” of power and legitimacy as perception or assumption that actions are “desirable, proper, or appropriate” within social norms, values and beliefs. (Jonathan G. S. Koppell. “Global Governance Organizations: Legitimacy and Authority in Conflict. *Journal of Public Administration Research and Theory*. 18:2 April 2008. 177-204). These definitions are representative of those commonly used in the fields of public administration, political science and public policy.

Koppell distinguishes among three types of legitimacy and three of authority, all with relevance for the BRTF model.

Legitimacy can be:

Normative (moral), based on beliefs re why an institution is entitled to wield power. BRTFs can seek transparency, openness, participation and conformance with accepted procedures, all of which support normative legitimacy. Recommendations recognized as fair, neutral or in the public interest build legitimacy for a BRTF.

Cognitive, based on psychological acceptance as in “taken for given.” While difficult to achieve in a short time period, one goal for successful public processes (including those supported by a BRTF model) is to be the “normal way of making decisions/doing business.” The South Central Coast MLPA Initiative developed expectations which can be built on in the North Central Coast, modified and built on again in successive iterations.

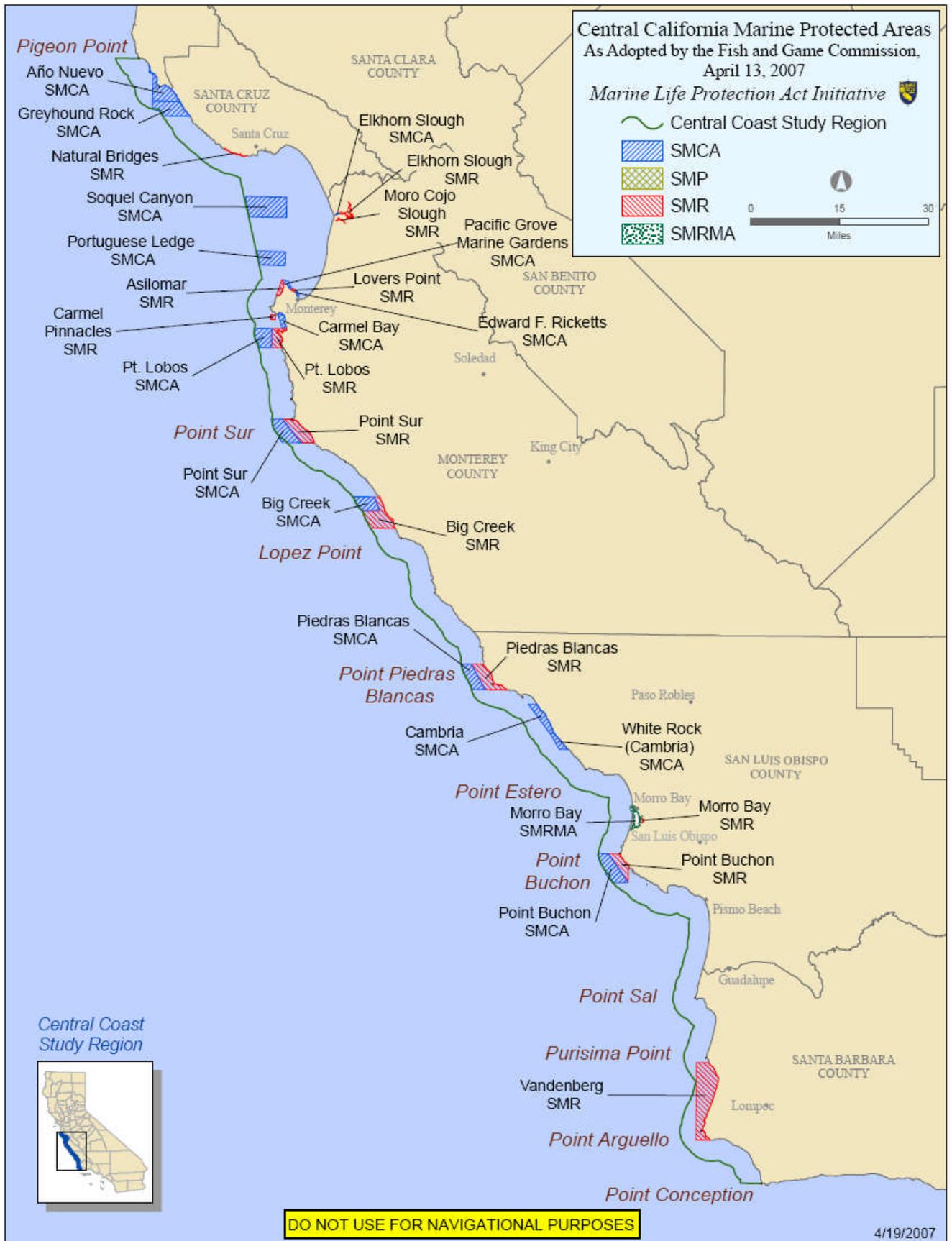
Pragmatic, based on acceptance as in the interests of the most affected parties. This source of legitimacy seems least relevant to BRTFs, as they are used in situations of substantial conflict.

Authority has three sources:

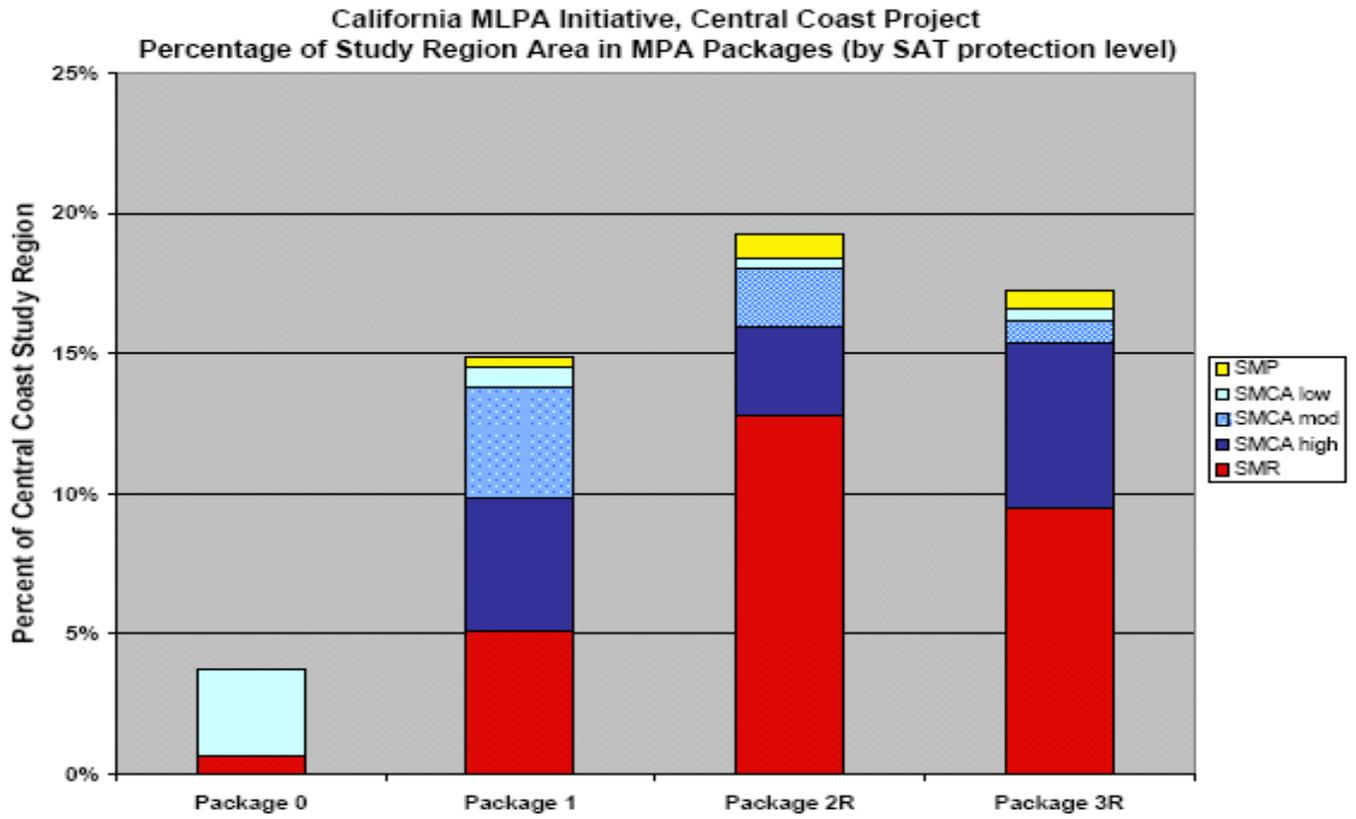
Formal, where the source is being empowered by governmental authority to carry out certain tasks. For BRTF’s, the formal charge from a governmental official or entity conveys some formal authority. Consistently basing actions of the BRTF on that charging document and any relevant constitutional or statutory bases reinforces formal authority.

Psychological, where the source is active belief or patterns of behavior that grant authority. BRTFs can achieve some psychological authority by meeting their charge, especially in regards to producing appropriate professional work in the time lines given. This encourages others to participate in the BRTF process or risk being less relevant to eventual decisions not only by the BRTF but also by formal policy makers.

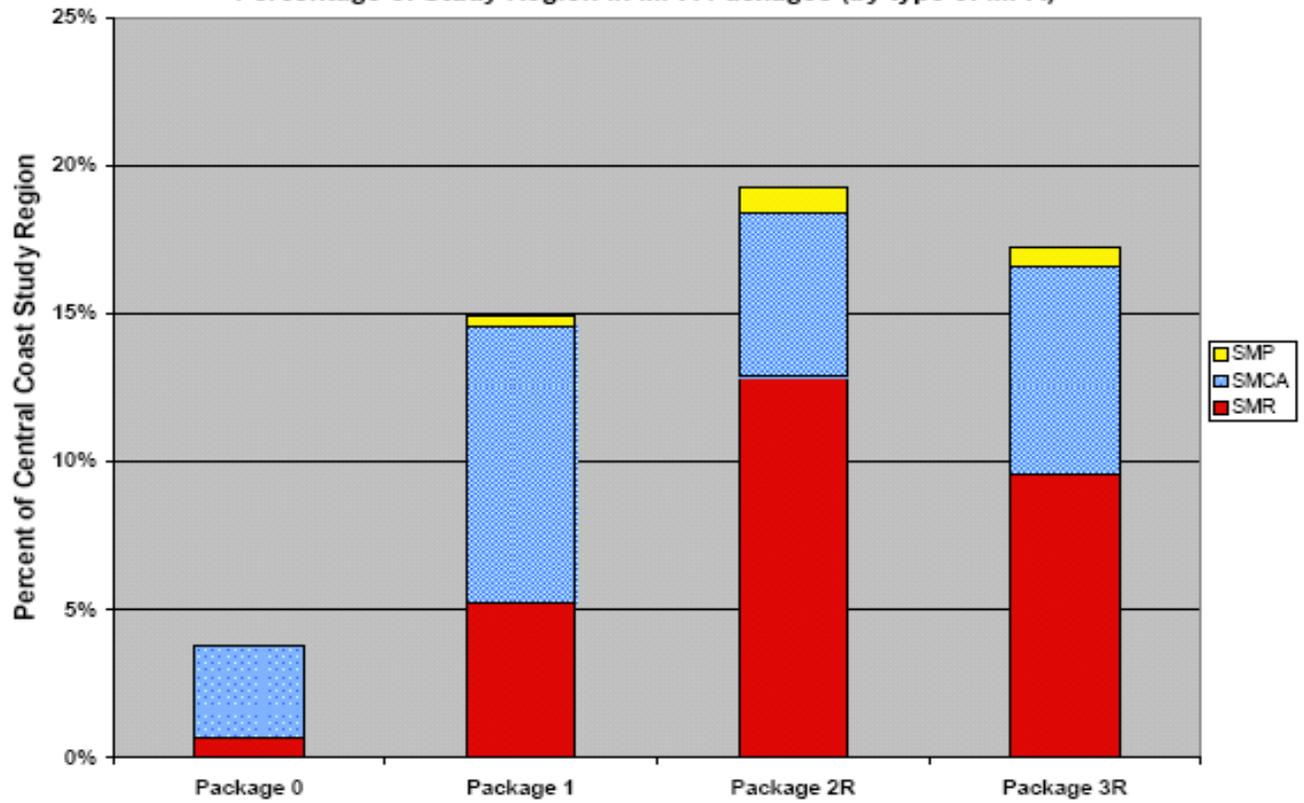
Pragmatic, where the source is calculation by affected interests that their best course of action is acceptance of authority. BRTFs can achieve pragmatic authority when they are either an instrument for making decisions which can advantage an interest or the best alternative venue available. The latter can be the case when other decision makers and processes cannot address important issues.



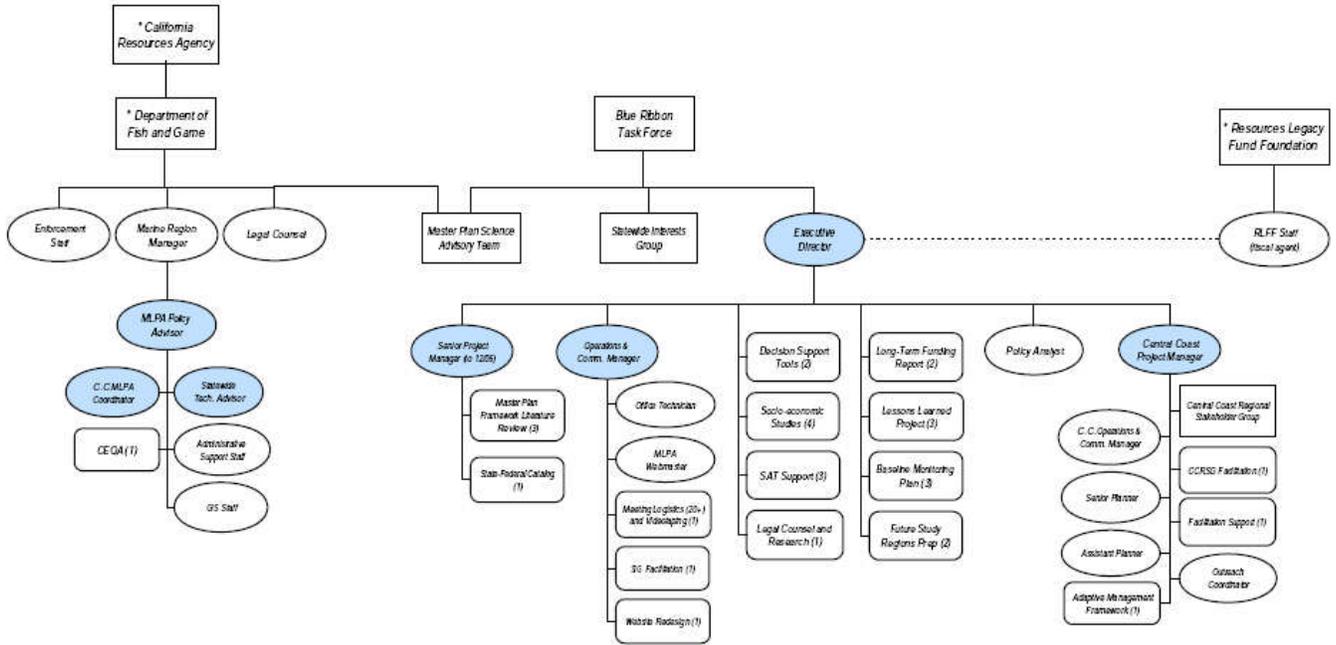
SMCA = state marine conservation area SMP = state marine park
SMR = state marine reserve SMRMA = state marine recreational management area



California MLPA Initiative, Central Coast Project Percentage of Study Region in MPA Packages (by type of MPA)

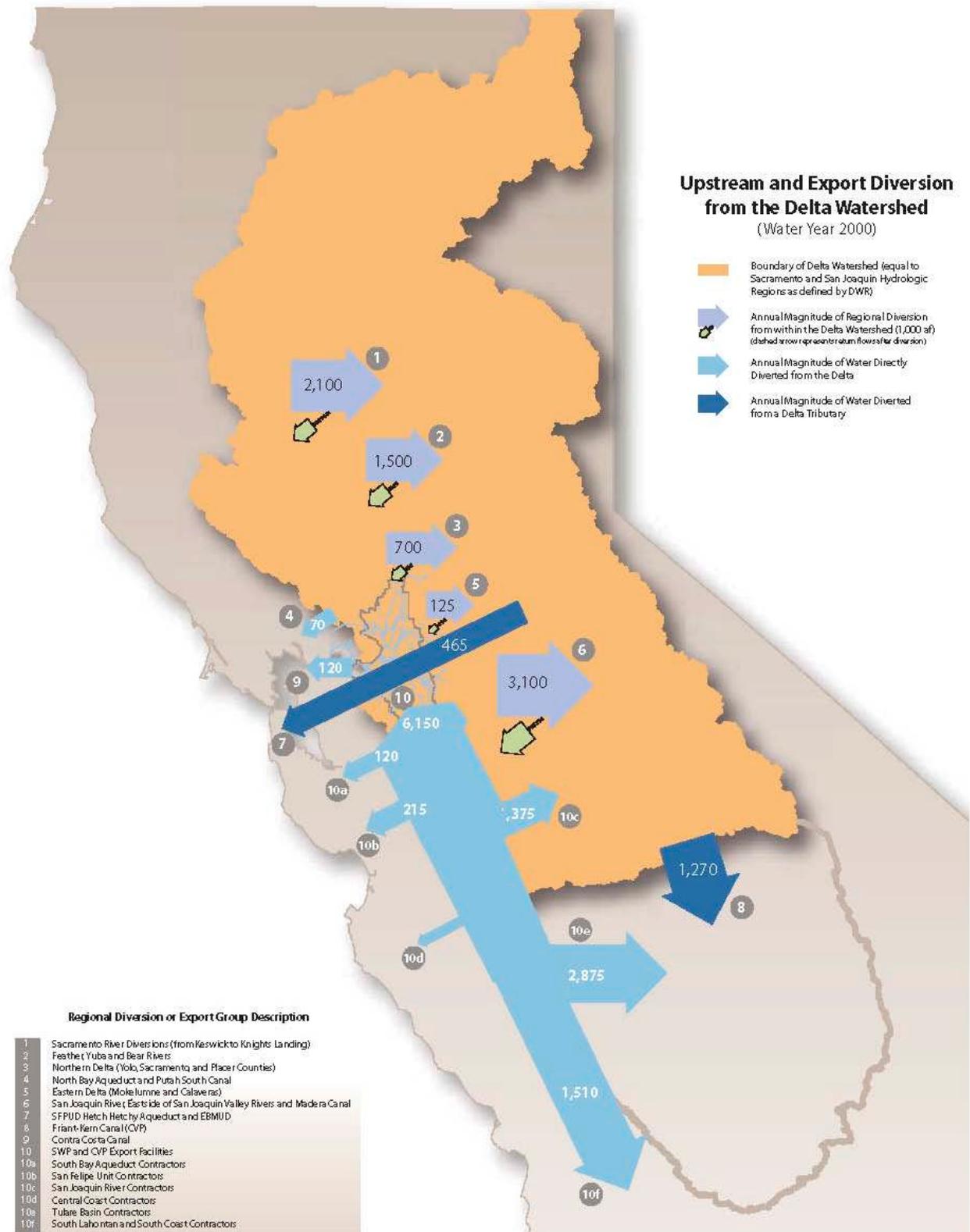


California Marine Life Protection Act Initiative
Organizational Structure
Revised August 2006



KEY: Groups Personnel Contracts (# of contracts) * MLPA MOU signatories Members of Steering Committee Note: This chart does NOT reflect 65 individual contracts for travel expense reimbursement for group members

Figure 8. Upstream and Export Diversions from the Delta Watershed



Source: Greg Young, Tully and Young, Inc.

Sources and links:

The Marine Life Protection Act (1999) is codified at California Fish and Game Code §2850-2863

Marine Life Protection Act web site: <http://www.dfg.ca.gov/mlpa/>

Lessons learned from South Central Coast Study Area, MLPA Initiative, 2004-07:

http://www.dfg.ca.gov/mlpa/lessonslearned_phase1.asp

Delta Vision web site: <http://www.deltavision.ca.gov/>