

## **Resilience and Administrative Law in Water Governance: The Issue of Legitimacy in Adaptive Management**

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Ecologists have made great strides in developing criteria for describing the resilience of an ecological system. In addition, expansion of that effort to social-ecological systems has begun the process of identifying changes to the social system necessary to foster resilience in an ecological system such as the use of adaptive management -- but what of the social system itself? Can we call a social system resilient if it fosters ecological resilience while ignoring equity and justice in the social system? This paper uses the concept of legitimacy in governance as a necessary component of resilience in social systems. Using work on the type of adaptive management/governance required to foster resilience in ecological systems, the paper will discuss means to delegate more flexible and adaptive authority to water management entities, while retaining legitimacy in governance. It will apply this analysis to the setting of the Columbia River Basin, a complex, multi-jurisdictional setting, to explore an early failed attempt at adaptive management in salmon recovery, the current rigid structure stalled in litigation, and propose alternatives.