

Achieving Consensus on Water Policy in California



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environmental resources and, on the other hand, the construction of facilities to make the necessary water available to meet the social and economic needs of the people of the state. If consensus is not directed at agreement on the construction of facilities and their operation to fulfill the water supply purposes, then a consensus plan has little chance of success. The alternative to the consensus process would be to accomplish authorization for construction of facilities through a political process. It is more likely that success would be achieved for water development through an initiative process supported by the southern California population than through a legislative process.

THE CONSENSUS PROCESS

Can California's serious water situation be solved by consensus? How should the numerous water development and supply interests come together with local and nationally supported environmental groups to draw-up a consensus plan that will meet both future water supply needs and restore and preserve the aquatic natural resources of the state?

In this writer's opinion, that will not happen on a voluntary basis. During the past two decades, there has been continuous, effective blocking of all water resources proposals, and demands for taking water away from developed projects and to rededicate it to aquatic resources are becoming more strident. If the north coastal water sources can be locked up, if water developed for urban and agricultural purposes on the American River can be required to flow down that river for recreational purposes, and if water formerly granted by water right permit to Los Angeles can be directed by court action to remain in Mono Lake, there appears to be no reason why environmental organizations would give up on demands for no more pumping from the Delta or appeals for all unregulated fresh water to flow into San Francisco Bay. Environmental groups are less successful in dealing administratively with scientific evaluation and problem-solving techniques. Their strength is wielded through the media and through popular, environmentally-oriented legislators.

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On the other hand, DWR and the Department of Fish and Game, backed by SWP contractors and other water development interests, have acted responsibly throughout this period to propose and support both projects and operational programs that will serve the minimum water supply needs of all areas and, at the same time, provide significant improvements to the aquatic resources. Attempts to arrive at a voluntary, spontaneous consensus among all of the parties would stretch out endlessly unless controlled by some form of deadline.

If a consensus is to work, it must be with strong statewide leadership AND authority. Consensus among the water development and environmental groups will never be achieved without the further consensus of the governor's office and the Legislature. The closest that the state has come to this type of consensus was in the negotiations that led up to SB 200 in 1980. This was a negotiated consensus among the special interests, with the developers and environmentalists on one side and the power structure of the governor and Legislature on the other side. It fell apart because dissatisfied interests in two special interest camps joined hands to sink the legislation through a referendum.

Little change in this situation can be expected unless some type of strong leadership is exhibited. Such leadership could come from either the governor or the Legislature.

If the governor becomes forceful in this situation, he could rely on his appointees in the Resources Agency to manage the process. A workable arrangement might be a governor's commission on the pattern of the commission to review California water rights appointed by Gov. Edmund G. Brown Jr. in 1977. This would allow a balanced panel of policy-makers and negotiators from a wide variety of interests to manage the activity with staff support garnered from various affected state agencies. The governor could, if he desired, negotiate the resulting consensus proposal with the Legislature to the extent that legislative authorities might be needed to execute the proposals.

It is also possible that the Legislature would choose to dominate the consensus process by passing legislation to set-up a planning body of some type to formulate a consensus plan. If no

leadership emerges that can develop adequate solutions, the only prospect is for the water development communities to muddle along for years into the future, losing ground on environmental issues, with the threat of water shortages and unusable water quality facing them. In that case, there are many indications that southern California water interests would resort to the initiative process to provide legal direction to DWR under its existing legislative authorization to take the necessary actions to provide an adequate water supply consistent with reasonable environmental protections.

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