

What needs governance to achieve a “durable vision for sustainable management of the Delta?”

1. Value choices between ecosystem function and water uses (the Delta Vision Blue Ribbon Task Force has recommended these two as co-equal and of highest importance) and other services from the Delta
2. Operations of water systems
3. Ecosystem improvement process
4. Water quality (including at least related to human use, ecosystem and drainage)
5. Land use within the Delta (boundaries may change), and land uses in near proximity to Delta which affect future choices (e.g., ability to expand into adjoining gradients as sea level rises or to construct facilities)
6. Delta watershed actions, especially those which affect (a) water volume, (b) water quality, and (c) flood plains
7. State wide policies which affect “retail” water uses (pricing, conservation programs..)
8. State policies affecting capture, storage and transfer of water for use (e.g., water rights systems, available infrastructure, pricing, distributions of liabilities, water transfer policies)

What tools are available for governance?

1. Arenas for on-going authoritative decision making
2. Establish and support relevant non authoritative systems (e.g., implementation networks, common science work, facilitated collaboration, non profits focused on achieving policy goals..)
3. Develop and support mechanisms and systems for intergovernmental action (e.g., MOUs, interagency working groups..)
4. Distributions of liabilities (e.g., from floods, from uses which impair water quality)
5. Financing systems (e.g., systems to raise and allocate public money and systems for access to public credit)
6. Create markets and improve efficiency of existing markets (e.g., water transfers, TDRs) with intent to achieve policy goals (requires property rights, ways to exchange, ways to value, etc.)
7. Price signals subject to policy control (e.g., full cost pricing of water, per unit costs increase by volume..)
8. Regulation
9. Legal forms for permissive collective action with public powers (e.g., reclamation districts)
10. Implementing agencies focused on particular activities, outcomes and/or values (e.g., existing Department of Water Resource focused on water; what agency should focus on enhancing estuarine ecosystem of Delta?)
11. Rules for access to courts for adjudication of policy conflicts
12. Legislative codification of policy direction and principles (e.g., on public trust doctrine)
13. Public education (e.g., visible marking of projected 100 year flood levels throughout areas at risk, including specifically those behind levees)

Assumptions:

1. Multiple tools will be needed. An area of governance may be characterized by one or more tools.
2. Tools will be used at differing spatial scales
3. Expect resistance to change
4. Progress will be uneven

Strategies:

1. Join decision making, financing and liability where ever possible (from institutions to individuals)
2. Use existing systems where possible, but often hard to change, so be ready to seek major changes. When change is required, seek the clearest expression of new roles and removal of old activities possible.
3. Where possible, use tools which affect behaviors of decision makers (private and public) without constant authoritative decision making or regulation