

Governance Issues Which Need to Be Addressed in Visions of the Delta

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Governance involves the development of institutional rules and social norms to alter human behavior and ameliorate social problems.

Variation in Uncertainty

Both of my Berkeley colleagues, Judith Innis and Richard Norgaard, correctly stress the role of uncertainty in complicating the development of governance institutions to manage the myriad problems of the Delta. But uncertainty varies by problem area.

Some problems are reasonably well-known in terms of their magnitude, causes, and possible solutions. This would include the urbanization of the Delta due to pressures for new housing spilling out of the Bay Area, together with the related demand for additional transportation and utility infrastructure. Land use conflicts in the Delta and throughout the state pit proponents of property rights, economic development, and local control against advocates of environmental quality, sustainability, and the representation of non-local interests. While the members of the environmental coalition can sometimes affect the location and quality of development, the attractiveness of the development coalition's ideology -- plus the incredible growth in the state's population -- makes it extremely difficult to affect the overall amount of development. The exceptions occur when a particularly precious resource—e.g. the Tahoe Basin, the coast, or the surface of San Francisco Bay—is at stake. I doubt such a symbolic resource is at stake in the Delta. Thus the long term pattern of urbanization is much more likely to reflect the Castro Valley than the Tahoe Basin. On the other hand, the effective institutionalization of various “smart growth” policies should reduce the probability that the Delta will witness the unrestricted growth of Fairfield.

Other problems are plagued by greater uncertainty. The implementation of the federal and state endangered species acts with respect to the Delta smelt is complicated by lack of knowledge. While the magnitude of the smelt's decline has now been well-documented, the relative importance of various causes of that decline are largely unknown, and the implementation of any recovery plan is plagued by our inability to predict when the smelt will arrive at the CV P and SWP pumps. The critical problem of the Delta—levee failure—is complicated by uncertainty regarding several of the critical causal factors. Prediction of failure from storm events is complicated by the tendency of Corps' models to underestimate floods on the Sacramento River. Predictions of levee failure from earthquakes is complicated by the absence of events to validate the engineering models. And predicting levee failure from sea rising is complicated by all the uncertainties surrounding virtually all models involving global temperature change. Unfortunately, the issue with the greatest uncertainty, levee failure, is probably the most important one politically because it critically affects the viability of Delta agriculture, the prospects of urbanization, and the interruption of water exports to 20 million people.

The Topics of Governance

Debates about how to govern the Delta typically involve the following topics, often in an implicit or indirect fashion. This discussion attempts to make them more explicit and to offer some options for each.

1) *Orientation on Basic Value Priorities.* At the core of most political conflicts are fundamental value priorities: equality, efficiency, freedom, security, etc. In environmental policy disputes, the fundamental conflict is usually between environmental quality and economic development.

2) *Whose Welfare Counts?* The answer to this question is usually, "Me and my buddies." Thus Delta farmers are usually preoccupied with the welfare of Delta farmers. But there are exceptions. The proponents of environmental justice are usually not poor fishermen concerned about mercury in fish, but rather middle class advocates of equity.

4) *Overall Seriousness and Causes of the Problem (s).* This is where scientific information usually plays its most important role. But I agree thoroughly with Judith Innis that local citizens and target groups can often contribute very useful information.

5) *Proper Distribution of Authority between Government and Markets.* This is usually the fundamental point of conflict between liberals and conservatives., and tends to be strongly correlated with proponents of environmental quality and economic development, respectively.

6) *What's the Proper Level of Government?* In general, conservatives prefer local government because it is usually dominated by local businessmen with a preference for market allocation. Liberals often prefer non-local institutions for a variety of reasons.

Governing the Delta will probably include one or more regional institutions representing both local and nonlocal interests. California has considerable experience with regional land use agencies with strong planning and permit review responsibilities: the Coastal Commissions, the Tahoe Regional Planning Agency, and the Bay Conservation and Development Commission. Several visions support BCDC as a model. I think that's a reasonable option. But experience has shown that regional regulatory agencies need to be supplemented with a regional conservancy that has the authority to negotiate creative, win-win deals.

7) *What's the Most Appropriate Policy Instruments?* There's a wide variety of policy instruments used in the U.S.: government ownership of land (e.g. the Forest Service), command and control regulation (usually preferred by liberals and attorneys), marketable permits (preferred by economists), insurance (e.g. flooding), information (e.g. the toxics inventory, subsidies (farming), and collaborative negotiations. Most policy areas contain a variety of policy instruments.

8) *What's the Preferred Distribution of Authority Among Elected Officials, Citizens, and Experts?* Citizens and elected officials are needed to provide democratic legitimacy, while experts provide information on the seriousness and causes of the problem, as well as the impacts of policy options. Expertise is critical to effectiveness.

A Cautionary Note Concerning Resiliency.

Both of my Berkeley colleagues stress the importance of organizational resiliency. . While this is clearly a desirable goal, I question its feasibility. Most bureaucracies are neither innovative nor resilient. Instead, they are preoccupied with procedural safeguards, equitable treatment, and program implementation. In most bureaucracies, the institutional rules and norms favor risk aversion rather than risk-seeking.