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From: Michael Warburton <mwarburton@jps.net>
To: <driddle@waterboards.ca.gov>
Date: 3/10/2008 11:55:22 AM
Subject: Bay-Delta Strategic Workplan Workshop

Comments of Public Trust Alliance RE Water Board Strategic Plan 3/10/08

We are happy to see strategically focused attention to so many aspects of the Delta System from the State Water Board. This strategic effort has great promise. We are especially happy to see explicit acknowledgment of the Board's affirmative duties as trustees for the people of California. But the crisis facing this State's public trust assets is not rooted in the lack of "a proceeding" to balance water supply and environmental protection. The cumulative disaster can be far more easily and accurately located in the vast preponderance of proceedings where no credible defense whatsoever is made for fundamental public trust rights.

Water is now routinely delivered as a simple commodity to those entities with the economic resources to pay for legal and political advocacy. Economic forces have vastly overshadowed the obligations of our trustees to conduct public business in the open while clearly articulating the laws which protect long term public interests. The law itself is particularly vulnerable at this point in history, and instead of vindicating "the public trust," a misplaced focus on a single proceeding invoking those laws may actually turn into a final nail in their coffin even before the Board and the general public have an opportunity to appreciate their profound potential as an aid in responsibly engaging an interlinked ecological and social crisis.

While we have the institutional and legal capacity to make responsible decisions about our water supplies for ourselves and future generations of Californians, State Board proceedings have become predictably arcane and functionally inaccessible to meaningful public participation. It is certainly true that water allocation and distribution in our state is a complex matter and questions of technical feasibility are always linked with layers of legal and political authority, but that cannot imply that only experts can have a voice in making decisions.

Too many of the elements in the Strategic Plan discussion are presented as technical details where technical progress can be made. We feel that there is a profound need for resources and energy to be placed in activities that make decisions understandable to the general public and acknowledge the basic legal position of the Board as a public trustee. There is a wonderful opportunity now as the Delta Vision process and the further development of the State Water Plan have both included initiatives to ensure that public trust interests are acknowledged and defended.

Further public workshops and public events involving law school clinics and grass-roots community organizations could really supplement the technical participation at formal Board proceedings. Board decisions should be understandable to public beneficiaries of the trust with which the Board is charged. We look

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forward to working with you and other organizations interested in the health of all Californians.

Thanks for the opportunity to comment on your promising plan.

Sincerely,
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