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To: [commentletters](#)
Subject: Comment Letter- Bay Delta Phase II Working Draft Science Report
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Attn: California State Water Resources Control Board

The Public Trust Alliance (a 501c-3 Educational and Advocacy Organization) submits these brief written comments to augment our participation in the December 7, 2016 Sacramento Workshop:

There is no doubt; the Board must manage valuable public trust resources on the basis of often incomplete and uncertain scientific knowledge. But despite many assertions to the contrary, the mere notice of “uncertainty” does NOT establish that long term institutional paralysis is a defacto “reasonable” strategy. A parallel literature developed along with the “Adaptive Management” initiative suggests a useful “Exploratory Mode” of policy analysis which enables reasonable action in the face of the many different sources of “uncertainty” encountered in reasonable management of situations like the “Bay-Delta System.” Doing “nothing” can actually be demonstrated to be less reasonable than many other alternatives simply because “nothing” implies taking actions consistent with the status quo, which, most people recognize, cannot be arbitrarily understood as “neutral.” But how to move ahead “reasonably”?

An international research initiative in the 1980’s was launched to assist United Nations Agencies in credibly and substantively assist them in taking steps to “solve” the “Eco-Crisis” involving “People, Resources, Environment and Development” in the Himalayan Foothills. A Discussion Paper for an Interagency Meeting of United Nations Agencies active in the region was prepared at the International Institute for Applied Systems Analysis in Laxenburg, Austria and the research effort led to the publication of many other related papers which explained the relevance of the results in other settings. The main point is that a “reasonable” approach was developed for taking some kinds of actions and avoiding others. We believe that attention to this literature could assist the Board in at least steering clear of approaches which are demonstrated failures from the start.

The interagency meeting took place in Geneva in the Spring of 1983 and “Decision-Making Under Contradictory Certainties: How to Save the Himalayas When You Can’t Find Out What’s Wrong With Them” was published in the Journal of Applied Systems Analysis in Manchester, England (vol. 12, pp.3-33) in 1985. This was expanded into Uncertainty on a Himalayan Scale: An Institutional Theory of Environmental Perception and a Strategic Framework for the Sustainable Development of the Himalaya. (Ethnographica, London 1986) which became required reading at places as diverse as Yale Forestry School, London School of Economics, and Inter-American Development Bank. It was republished in a collaborative form in 2007 with a new introduction by the Minister of Water Resources of Nepal (with a reference to California Water Policy) by a Center at Oxford’s Business School and Himal Press in Kathmandu. The work received less attention at some American Academic centers largely because it was avoided in the same sense as other strands of “inconvenient truth” literature.

Uncertainty cannot be scientifically eliminated, but it can be much better understood and strategic action can be much more reasonably engaged than is being done at present. That is the

heartening news. Water in California has been over-appropriated for years and this can no longer be “reasonably ignored.” “Toward Greater Certainty in Water Rights? Public Interests Require Inherent Uncertainty to Support Constitutional Governance of our State’s Waters,” 36 McGeorge Law Review Issue 1, pp. 139-162 (2005), might also be of interest. In any case, we look forward to further correspondence with Board Staff if they might be interested in this material.

Thanks,

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