

## CALIFORNIA WATER 101

*"Whiskey is for drinking; water is for fighting over." Mark Twain<sup>1</sup>*

### *Historic*

From the beginning, civilizations have organized themselves around water sources and California is no different. California's water governance structure has ancient roots. The oldest surviving common law in history, the Public Trust Doctrine, is central to this issue.

The Roman Emperor Justinian is credited with codifying Public Trust concepts in the period around 530 AD when he published rules and edicts from his predecessors. His unified code of imperial law dictated, "By the law of nature these things are common to all mankind, the air, running water, the sea and consequently the shores of the sea."

This fundamental concept carried forward through wars and numerous successor empires. This concept was particularly extraordinary as during the same time frame many people did not have what we might now consider other basic rights. Rights were granted by the sovereign and this was one of them.

### LEGAL FRAMEWORK

As noted above, water governance is rooted in ancient common law. Additional guidance for California is provided through the:

- Terms and conditions of statehood granted by the Federal Government
- State Constitution
- Code and Statute (including Propositions)
- Regulations
- Court Mandates

Each contributes to the water governance structure.

#### Terms and conditions of statehood granted by the Federal Government

This idea of responsibility for the Public Trust was furthered through the conditions of American states joining the original 13 colonies. The states were granted sovereign rights to the commons (water, air and land) and sovereign responsibility for its care.

Since then the doctrine has been used extensively to protect the public's interest in water. The Courts have ruled water is owned by everyone and no one, thus protection must be provided by its steward — the state. This interpretation has been upheld all the way to the U.S. Supreme Court.

#### State Constitution

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<sup>1</sup> - *This quote has been attributed to Mark Twain, but the attribution has not been verified.*

Some but not all states include water code in their constitutions. In California water concerns are so fundamental the State Constitution, Article 10, Water states:

*“It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare.”*

Article 10A - Water Resources Development, Section 1 states:

*“The people of the State hereby provide the following guarantees and protections in this article for water rights, water quality, and fish and wildlife resources.”*

### Code, Statute and Regulation

Twenty-nine California Codes cover various subject areas.

- Business and Professions Code
- Civil Code
- Code of Civil Procedure
- Commercial Code
- Corporations Code
- Education Code
- Elections Code
- Evidence Code
- Family Code
- Financial Code
- Fish and Game Code
- Food and Agricultural Code
- Government Code
- Harbors and Navigation Code
- Health and Safety Code
- Insurance Code
- Labor Code
- Military and Veterans Code
- Penal Code
- Probate Code
- Public Contract Code
- Public Resources Code
- Public Utilities Code
- Revenue and Taxation Code
- Streets and Highways Code
- Unemployment Insurance Code
- Vehicle Code
- Water Code
- Welfare and Institutions Code All

### **Contents of the California Constitution**

- |   |   |
|---|---|
| ▪ Preamble  | ▪ Labor relations   |
| ▪ Declaration of Rights   | ▪ Usury   |
| ▪ Voting, initiative and referendum, and recall                                   | ▪ Public finance  |
| ▪ State of California – Legislative, Executive, Judicial                          | ▪ Amending and revising the constitution  |
| ▪ Public officers and employees   | ▪ Motor vehicle revenues  |
| ▪ Education   | ▪ Loans from the public transportation account or local transportation funds              |
| ▪ <b>Water</b>  | ▪ Motor vehicle fuel sales tax revenues and transportation improvement funding            |
| ▪ <b>Water resources development</b>  | ▪ Miscellaneous subjects  |
| ▪ <b>Marine resources protection act of 1990</b>                                  | ▪ Reapportionment of senate, assembly, congressional, and board of equalization districts |
| ▪ Local government  | ▪ Architectural and engineering services  |
| ▪ Public utilities  | ▪ Public housing project law  |
| ▪ Taxation - tax limitation   | ▪ Medical research  |
| ▪ Government spending limitation  |   |
| ▪ Voter approval for local tax levies, assessment and property-related fee reform |   |

California government is structured to administer the Constitution and these codes. In addition, the codes include various statutes and agencies enact regulations to carry out the codes and statutes.

This organizational structure is rooted in some form or another of basic public administration philosophies. These are a desire for:

- Separation of Powers
- Specialization
- Expert civil servants
- Some form of separation between politics, private organizations and public administration.

Like the public trust doctrine many of these guiding philosophies are very old, some dating to the 16<sup>th</sup> century. I will briefly address each of these aspects and their impacts in my remarks.

A quick glance at the State Organization Chart, Figure 1, page 4, illustrates how this has been enacted and it has resulted in the bi-frication of water responsibilities. Viewing this structure and this organizing scheme is helpful to understanding state water laws and regulations and how they are enforced.

In recent years, the California Water Plan, prepared by the Department of Water Resources (DWR) has included information about the State's overall responsibilities for water rather than just confining the plan to its original approach of providing estimates of future water demands and the delivery capability. As a master plan, the Water plan is to guide the orderly and coordinated control, protection, conservation, development, management, and efficient use of the water resources of the state (Water Code, § 10005(a)).

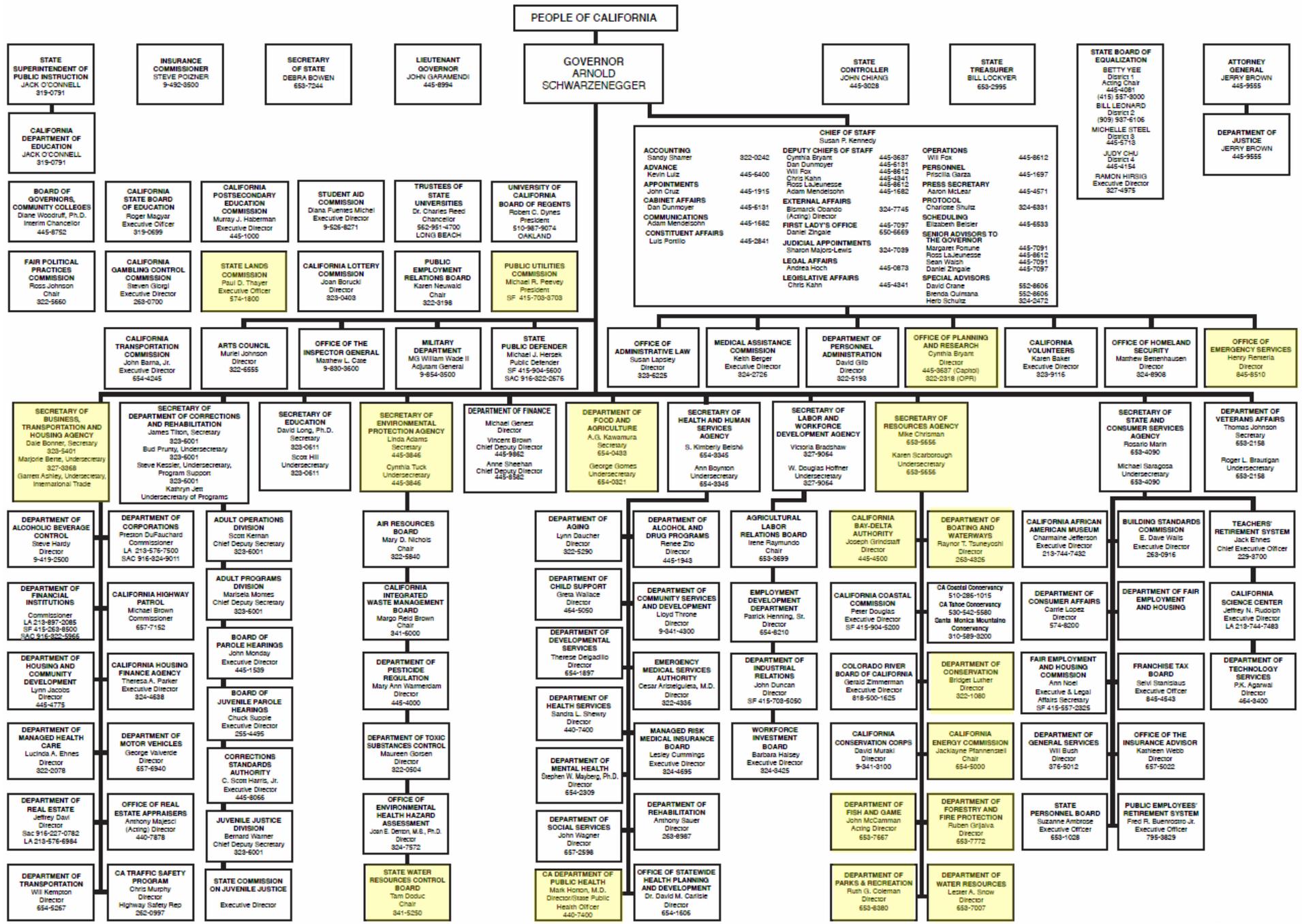
The 2005 Water Plan Update noted that "Over the past 30 years, California water management has changed significantly. State and federal projects have not expanded as originally expected; in fact, deliveries have been reduced in recognition of environmental needs. In response, regional water planning has begun to integrate multiple water and resource management activities to meet a wide range of local objectives." This shift in the State's approach recognizes the extraordinary demands placed on and conflicts within the water system.

The 2005 Update also included a significant section on the roles and responsibilities of the many government partners as well as individuals. Attachment 1 provides a summary of this information. My remarks will quickly summarize this information.

In the 2009 Water Plan Update process now underway, the state agencies highlighted in Figure 1, page 4, are working collaboratively to inform water planning. Attachment 2 lists the individual departments, offices and agencies formally involved.

FIGURE 1

CALIFORNIA STATE GOVERNMENT • THE EXECUTIVE BRANCH



In the process of working with these agencies, a quick inventory was conducted to learn the scope of inter-relationships. This first survey indicated over 100 separate plans and processes within departments may impact overall water planning. This initial assessment is striking as the various tools used for management are grounded in different fields of expertise and great opportunity exists to leverage the work and knowledge of one agency to the benefit of the goals of another. Conversely, because governance tends to focus on one piece of the system, it can sometimes be in conflict with the co-equal goals of another part of the same system.

As a simple example, the desire by highway officials to achieve safety during a rainstorm can create a conflict for flood managers, water quality officials, and water supply officials. Each may have very different, conflicting goals for the same water.

The 2009 Water Plan Update seeks to address and begin to reconcile some of these issues. Additionally this process has identified additional jurisdictions with direct interest in water management strategies.

Working together the state agencies seek to improve water governance by taking action on the following Water Plan items:

1. Evaluate progress on Water Plan Update 2005 & revise the Strategic Plan
2. Update the Future Scenarios & develop Response Packages (note these will be coordinated with Climate Change Scenarios as well)
3. Quantify Climate Change impacts & recommend Adaptation Actions
4. Update & Expand 12 Regional Reports
5. Update 25 Resource Management Strategies
6. Add Water Portfolio data for 5 years: 1999, 2002 – 2005
7. Improve Analytical Tools, Data & Data Exchange
8. Incorporate Companion State Plans
9. Incorporate Tribal perspectives, issues & information

They also hope to use multi-disciplinary approaches that collectively:

1. Reduce Water Demand
2. Improve Operational Efficiency & Transfers
3. Increase Water Supply
4. Improve Integrated Flood Management
5. Improve Water Quality
6. Enhance Resource Stewardship

#### The Department of Water Resources and The Water Boards

The Water Boards and the Department of Water Resources (DWR) are the most visible of the water partners. As noted above DWR is responsible for overall water planning. It also operates the State Water Project.

The State Water Resources Control Board (SWRCB) integrates water rights and water quality decision-making authority. SWRCB and the nine Regional Water Quality Control Boards are

responsible for protecting California's water resources. Pursuant to the Porter-Cologne Water Quality Control Act, water quality control plans for each of the nine regions become part of the California Water Plan.

More specifically the Water Boards have broad responsibilities to “protect water quality and balance competing demands on our water resources through programs that allocate water rights, adjudicate water right disputes, develop statewide and regional water quality control plans, and establish and implement water quality standards. The complexity of the Water Boards' programs is reflected in the sheer number of mandated programs, the regional variation that exists throughout the State, and the fragmented nature of the regulatory oversight affecting water resources in general in the State. Water Board staff find themselves working on a wide range of concerns, such as the development of standards to protect water bodies, the approval of timber harvest plans, the approval of allowable corrective action reimbursements, and certifying whether or not hydropower plants meet water quality standards as they seek federal re-licensing.”<sup>2</sup>

The separation of powers among the agencies is based on the structures and laws discussed above. In simple terms, one agency oversees the management of the resource (DWR) and the other oversees the regulation of the resources.

Increasing complexity, a fuller understanding of natural systems, and increasing scarcity have created an imperative for collaborative approaches among stakeholders, sister agencies and others. The state agencies have begun to respond to this call and I am fortunate to be part of this emerging conversation.

These conversations are likely to include discussions on:

1. Balancing sometimes conflicting requirements for full system health
2. Addressing limitations in science and expert models
3. Creating a forum for public dialogue that is not in conflict with separation of powers and necessary adjudication of some issues
4. Finding ways to seek cause and fix problems without blame<sup>3</sup>

The course of study on the Water Boards by the Commission is consistent with similar conversations many of the agencies and stakeholders are having on overall water governance. The task is large as is the potential for improving outcomes.

Respectfully submitted,  
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Center for Collaborative Policy  
California State University, Sacramento

*Anyone who can solve the problem of water will be worthy of two Nobel prizes -- one for peace and one for science. – John F. Kennedy*

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<sup>2</sup> From the Water Boards Strategic Plan Update 2008-2012

<sup>3</sup> This is a concept related to total quality management.

## **ATTACHMENT 1 – Water Agency Roles and Responsibilities from California Water Plan Update 2005**

### **Institutional Roles**

The State and federal governments are responsible for representing and protecting the public trust (certain types of property of high public value held for the benefit of all citizens). Together, the State and federal governments provide assistance, guidance, and oversight to local governments (city and county-owned municipal water systems, etc.), American Indian tribes, and special districts.

### **California Government**

Many State departments and agencies oversee California's water resources. The **Department of Water Resources (DWR)** operates the State Water Project and is responsible for overall water planning.

The **State Water Resources Control Board (SWRCB)** integrates water rights and water quality decision-making authority. SWRCB and the nine Regional Water Quality Control Boards are responsible for protecting California's water resources. Pursuant to the Porter-Cologne Water Quality Control Act, water quality control plans for each of the nine regions become part of the California Water Plan.

Other State agencies and their roles in water management follow:

**California Bay-Delta Authority**—Oversees the 23 State and federal agencies working cooperatively through the CALFED Bay-Delta Program to improve the quality and reliability of California's water supplies while restoring the Bay-Delta ecosystem.

**California Business Transportation and Housing Agency**—Oversees the activities of 13 departments and several economic development programs and commissions. Its operations address financial services, transportation, affordable housing, real estate, managed health care plans and public safety.

**California Coastal Commission**—Plans for and regulates land and water uses in the coastal zone consistent with the policies of the Coastal Act.

**California Department of Conservation**—Provides services and information that promote environmental health, economic vitality, informed land-use decisions, and sound management of California's natural resources. This department also manages a state watershed program.

**California Department of Boating and Waterways**—Develops public access to the waterways and promotes on-the-water safety, with programs that include aquatic pest control in the Sacramento-San Joaquin Delta; coastal beach erosion control, and grants for vessel sewage pumpout stations.

**California Department of Fish and Game**—Regulates and conserves the state’s wildlife and is a trustee for fish and wildlife resources (FDC § 1802).

**California Department of Food and Agriculture**—Promotes food safety, protects public and animal health, and protects California from exotic and invasive plant pests and diseases.

**California Department of Forestry and Fire Protection (CAL FIRE)**—Manages and protects California's natural resources. Provides fire protection and stewardship of over 31 million acres of California's privately-owned wildlands and offers varied emergency services in 36 of the State's 58 counties via contracts with local governments.

**California Department of Parks and Recreation (CA State Parks)**—Manages more than 270 park units, which protect and preserve culturally and environmentally sensitive structures and habitats, threatened plant and animal species, ancient Native American sites, and historic structures and artifacts. Responsible for almost one-third of California's scenic coastline and manages many of the State's coastal wetlands, estuaries, beaches, and dune systems.

**California Department of Pesticide Regulation**—Regulates pesticide sales and use and plays a significant role in monitoring for the presence of pesticides and in preventing further contamination of the water resource.

**California Department of Public Health**—Regulates public water systems, oversees water recycling projects; permits water treatment devices, certifies drinking water treatment and distribution operators, supports and promotes water system security, provides support for small water systems and for improving technical, managerial, and financial capacity, oversees the Drinking Water Treatment and Research Fund for MTBE and other oxygenates, and provides funding opportunities for water system improvements, including funding under Proposition 84, Proposition 50 and the Safe Drinking Water State Revolving Fund.

**California Department of Toxic Substances Control**—Provides technical oversight for the characterization and remediation of soil and water contamination.

**California Energy Commission**—The State's primary energy policy and planning agency, has responsibility for forecasting, regulation, and development and promotion of technology.

**California Environmental Protection Agency**—Restores, protects, and enhances the environment to ensure public health, environmental quality, and economic vitality.

**California Integrated Waste Management Board**—Manages the estimated 76 million tons of waste generated each year by reducing waste whenever possible, promoting the management of all materials to their highest and best use, and protecting public health and safety and the environment.

**California Public Utilities Commission**—Regulates privately owned water and other utility companies.

**Central Valley Flood Protection Board**—Plans flood controls along the Sacramento and San Joaquin rivers and their tributaries in cooperation with the U.S. Army Corps of Engineers.

**Colorado River Board**—Protects California’s rights and interests in the resources provided by the Colorado River.

**Delta Protection Commission**—Responsible for preparation of a regional plan for the “heart” of the Delta.

**Governor’s Office of Emergency Services**—Coordinates the activities of all State agencies relating to preparation and implementation of the State Emergency Plan, coordinates the response efforts of State and local agencies, and coordinates the integration of federal resources into State and local response and recovery operations.

**Governor’s Office of Planning and Research**—Provides legislative and policy research support for the Governor’s office. The State Clearinghouse coordinates the State level review of environmental documents pursuant to the California Environmental Quality Act (CEQA); provides technical assistance on land use planning and CEQA matters; and coordinates State review of certain federal grants programs.

**Native American Heritage Commission**—its mission is to provide protection to Native American burials from vandalism and inadvertent destruction, provide a procedure for the notification of most likely descendants regarding the discovery of Native American human remains and associated grave goods, bring legal action to prevent severe and irreparable damage to sacred shrines, ceremonial sites, sanctified cemeteries and place of worship on public property, and maintain an inventory of sacred places.

**Sierra Nevada Conservancy** – is comprised of all or part of 22 counties and over 25 million acres the Region is California’s principal watershed, supplying 65% of the developed water supply. The Conservancy initiates, encourages, and supports efforts that improve the environmental, economic and social well-being of the Sierra Nevada Region, its communities and the citizens of California.

**State Lands Commission**—Manages public trust lands of the State (the beds of all naturally navigable rivers, lakes, and streams, as well as the State’s tide and submerged lands along California’s more than 1,100 miles of coastline). The public trust doctrine is applied to ensure that the public trust lands are used for water-related purposes, including the protection of the environment, public recreation, and economic benefit to the citizens of California.

## **Federal Government**

The **U.S. Bureau of Reclamation (USBR)** operates the Central Valley Project (CVP), the largest water project in California, and regulates diversions from the Colorado River.

Other federal agencies play important roles in the regulation and management of California’s water resources:

**Army Corps of Engineers**—Plans, designs, builds, and operates water resources projects (navigation, flood control, environmental protection, disaster response, etc.).

**Federal Energy Regulatory Commission (FERC)**—Regulates the interstate transmission of electricity, natural gas, and oil. FERC also reviews proposals to license hydropower projects.

**National Marine Fisheries Service (NOAA Fisheries)**—Protects and preserves living marine resources, including anadromous fish.

**National Park Service**—Manages national parks, including their watersheds.

**U.S. Bureau of Land Management**-Manages federal lands.

**U.S. Bureau of Reclamation**—Constructs federal water supply projects and is the nation’s largest wholesaler of water and the second largest producer of hydroelectric power.

**U.S. Department of Agriculture (USDA)**—Manages forests, watersheds, and other natural resources.

**[USDA] Natural Resource Conservation Service**- Provides technical and financial assistance to conserve, maintain, and improve natural resources on private lands.

**U.S. Environmental Protection Agency**—Protects human health, safeguarding the natural environment.

**U.S. Fish and Wildlife Service**—Conserves, protects, and enhances fish, wildlife, and plants and their habitats.

**U.S. Geological Survey**—Provides water measurement and water quality research.

**Western Area Power Administration**—Manages power generated by the Central Valley Project.

## **Tribal Governments**

Some Indian reservations and other federal lands have reserved water rights implied from acts of the federal government, rather than State law. When tribal lands were reserved, their natural resources were implicitly reserved for tribal use. Because reserved tribal rights were generally not created by state law, states’ water allocations did not account for tribal resources. In the landmark *Winters v. U.S.* case in 1908, the U.S. Supreme court established that sufficient water was reserved to fulfill the uses of a reservation at the time the reservation was established. The decision, however, did not indicate a method for quantifying tribal water rights. *Winters* rights also retain their validity and seniority over State appropriated water whether or not the tribes have put the water to beneficial use. Only after many years did tribes begin to assert and develop their reserved water rights. In 1963 the U.S. Supreme Court decision *Arizona v. California* reaffirmed *Winters* and established a quantification standard based on irrigation, presupposing that tribes would pursue agriculture. Despite criticisms of the “practicably irrigable acreage”

(PIA) quantification standard from various perspectives, the PIA standard provided certainty to future water development.

Quantifying water needs in terms of agricultural potential does not accurately show the many other needs for water. Even urban water quantity and quality assessments that look at the adequacy of the domestic water supply and sanitation do not provide a complete picture of tribal water needs. A large part of the tribal water needs are for in-stream flows and other water bodies that support environmental and cultural needs for fishing, hunting, and trapping.

The 1902 Reclamation Act provided for the establishment of irrigated agriculture and settlement throughout the Western states. Historical perspective indicates this policy was pursued generally without regard to Indian water rights or the 1908 Winters decision. In 1952 Congress passed the McCarran Amendment which waived sovereign immunity and authorized the adjudication of federal water rights in stream adjudications brought in state courts. The court later ruled that state adjudications may also apply to Indian reserved water rights held in trust by the United States. In asserting their Winters rights, tribes have come into conflict with water-using development that grew out of substantial federal and private investment.

Costly litigation, negotiation, or both are the usual means of resolving Indian water disputes, and some cases can take decades to reach agreement. Some tribes request assistance from the federal government to pursue their water rights settlements, reminding concerned parties of the conflicting roles the federal government can assume on two or more sides of a judicial or administrative issue.

## **Public Agencies, Districts, and Local Governments**

Local city and county governments and special districts have ultimate responsibility for providing safe and reliable water to their customers. In general, California has two methods for forming special districts that develop, control, or distribute water: (1) enactment of a general act under which the districts may be formed as set forth in the act, and (2) enactment of a special act creating the district and prescribing its powers.

## **Private Entities**

In addition to public agencies, private entities may provide water supply. Mutual water companies, for example, are private corporations that perform water supply and distribution functions similar to public water districts. Investor-owned utilities are also involved in water supply activities, sometimes as an adjunct of hydroelectric power development. These investor-owned water companies are regulated by the California Public Utilities Commission.

## **International Trade Agreements**

Since January 2000 more than 140 World Trade Organization (WTO) member governments have been negotiating to further liberalize the global services market. The General Agreement on Trade in Services (GATS) is among WTO's most important agreements. It is a set of multilateral rules covering international trade in services. GATS recognizes "the right of Members to

regulate, and to introduce new regulations, on the supply of services ... in order to meet national policy objectives.” No international trade treaty now in effect or being negotiated by the United States prevents local, state, or federal government agencies from reviewing and regulating water projects that involve private companies with multinational ties. Such projects include desalination plants, water transfers, water storage projects (above and below ground), and wastewater reclamation projects. There is no conflict with international trade treaties as long as government regulations are applied to water projects involving multinational corporations in the same manner they are applied to water projects owned or operated by domestic companies or public utilities.

## **Individual Water Users**

Collectively, the millions of urban businesses, individual households, and farms fund the operation and maintenance of California’s water systems through payment of taxes and water bills. Each makes decisions on water use and conservation for its own circumstances. Individual water users must dispose of used water, usually through a sewer or gutter, which in turn can create water pollution. This return flow can provide water to downstream water users. During drought periods, many households modify outdoor watering to conserve water. Each year, farmers make decisions on planting and water application based on weather conditions, forecasted water supply, and individual tolerance for market risk. Taken together, these individual decisions about water use have an enormous impact on both water demand and water quality and present many opportunities for individuals to play positive roles in better managing California’s water quantity and quality.

Additional information regarding institutional roles and specifically the:

- Law of the River (Colorado River)
- Water Contracts
  - State Water Project—
  - Central Valley Project
- Area of Origin Protections
- Water for Environmental Uses
- Water Transfers

Can be found in the California Water Plan, Update 2005, Volume 1, Chapter 3.

## ATTACHMENT 2 – California Water Plan, Update 2009 State Agency Steering Committee

- Boating & Waterways
- Business, Transportation & Housing Agency
- Cal-Environmental Protection Agency
- CALFED Bay-Delta Program
- California Energy Commission
- California Public Utilities Commission
- Conservation
- Fish & Game
- Food & Agriculture Agency
- Forestry & Fire Protection
- Health Services
- Parks & Recreation
- Governor’s Office of Emergency Services
- Governor’s Office of Planning & Research
- Native American Heritage Commission
- Resources Agency
- State Lands Commission
- Water Boards
- Water Resources

\* Note - Several State Agencies with Regional Responsibilities and State Conservancies participate on a Regional Team.

## ATTACHMENT 3 -Background Information about the Speaker

### **ABOUT THE CENTER FOR COLLABORATIVE POLICY**

The Center for Collaborative Policy is a unit of the College of Social Sciences and Interdisciplinary Studies at California State University, Sacramento. The Center was established in 1990 as the California Center for Public Dispute Resolution, which was originally a joint program of California State University Sacramento and the McGeorge School of Law, University of the Pacific.

#### **Mission Statement:**

The mission of the Center is to build the capacity of public agencies, stakeholder groups, and the public to use collaborative strategies to improve policy outcomes.

#### **Strategic Goals:**

- Enhance the existing capacity of governing institutions to use collaborative methods (governance capacity);
- Enhance the existing capacity of communities and the public to collaboratively engage with governing structures and public policy decision-making (civic engagement capacity);
- Create and share knowledge about collaborative public policy development and capacity building (knowledge capacity);
- Enhance the collaborative policy and civic engagement network across the state (statewide capacity); and
- Continue to enhance the Center's internal organizational capacity and provide opportunities for practitioners' professional growth (internal capacity).

### **ABOUT LISA BEUTLER, CENTER FOR COLLABORATIVE POLICY ASSOCIATE DIRECTOR**

Lisa Beutler specializes in helping organizations and communities reach decisions and create effective public policy. She has led numerous complex, high profile collaborative projects involving a broad spectrum of subjects including water, land-use, energy, off-highway vehicles, technology and substance abuse. Her background, covering over 30 years, includes organizational development, law enforcement, resources, and experience in local and state government.

Lisa has led or co-led numerous successful projects throughout California including a major planning effort for the Sierra Nevada Conservancy. Other recent projects include managing a large scale collaborative in the Lake Tahoe Basin and facilitation and mediation for the California State Water Plan and the national award winning Flood Plan Management Task Force, and strategic planning for the Water Boards.

She is a nationally recognized practitioner in large group processes and part of the team that designed and implemented an international meeting associated with the Parliament of World's

Religions convened in Barcelona, Spain in July 2004. This project included designing a meeting methodology for engaging 400 global leaders of religious and spiritual communities – in partnership with leaders and others from organizations in civil society, government and business – to address critical issues facing the world. As a project team leader she helped manage the dialogues on the responsibility of religious leaders for the provision of clean water.

Her work is and has been studied extensively including reviews in the *Public Productivity & Management Review* (Sage 1996), various professional publications associated with conference proceedings, the August 2005 *Off-Highway Vehicle Use and Collaboration Study* by the US Institute for Environmental Conflict Resolution, and an article on Lisa's use of preferred futures techniques by Cornell professor John Forrester (in the Fall 2006 *Journal of the American Planning Association*). Lisa's cases are also referenced in texts related to her field.

Prior to joining the Center, Ms. Beutler held a variety of key government positions including posts in special offices of two Governors. Her assignments ranged from a special focus on government technology and innovation to serving as an Executive Ombudsman for the Governor's Office of Criminal Justice Planning and the Youth and Adult Correctional Agency Undersecretary. At the California Department of Corrections, she managed Advisory Councils of the Director and was program manager of a large-scale change initiative. Earlier in her career, she served as a Chief Ranger in the Department of Parks and Recreation and at the State Lands Commission overseeing management of 500,000 acres of real property, and assisting with program management for the 3-mile coastal zone.

A native Californian, Ms. Beutler holds a degree in Human Relations and Organizational Behavior as well as numerous professional certifications. In addition to her facilitation-mediation practice, Ms. Beutler occasionally instructs at California State University Sacramento and is the instructor for the North Tahoe-Truckee Leadership Program. In her spare time she serves as a Board member for non-profit and professional organizations, including the American Society for Public Administration