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Water Resources

Officials, Legal Experts Differ in Approach To Integrated Water Resources Management

By Andrea Vittorio

Water resources policy should be better integrated among states and between states and the federal government, but state and federal officials and legal experts offered different approaches March 22 for how to achieve that goal.

Barton Thompson, a professor of natural resources law at Stanford Law School, proposed using characteristics of the Coastal Zone Management Act of 1972 (CZMA) as a blueprint for addressing fragmentation in water management across the United States.

"The fragmentation we have in the water field today looks very much like the fragmentation we had in coastal management in the 1960s," Thompson said at the Environmental Law and Policy Annual Review Conference, sponsored by the Environmental Law Institute and the Vanderbilt University Law School.

Current water resources management policies allow separate agencies to be responsible for different but often closely related substantive issues, such as groundwater and surface water, while a single watershed sometimes spans multiple geographic boundaries, Thompson wrote in a newly condensed version of a previous paper to be published in the annual review. As a result, poor planning in one state or region can adversely affect neighboring areas.

He called on Congress to pass a Sustainable Water Integrated Management (SWIM) Act that would encourage states to adopt integrated approaches, not through a mandate but rather by providing incentives to adopt such a program and agreeing to act consistently with state coastal plans.

'Jury Still Out' on Approach

Thompson's proposal "would be a paradigm shift, to say the least," but the "jury is still out" on the implementation of the idea, said Michael Connor, commissioner of the Bureau of Reclamation.

"While I endorse the overall goals and the reasoning behind what the professor has put out, I don't believe necessarily that the Coastal Zone Management Act model is the best way to go" or the most viable, Connor said.

The requirement for federal consistency with state plans would be attractive to states, but integrated water resources management has been attempted at the state level with mixed reviews, which "makes it an uphill hurdle to try having the federal government apply that model," Connor said. He favored letting the Bureau of Reclamation continue its efforts under the SECURE Water Act to address the same goals of the proposed legislation.

Meanwhile, Brad Campbell, a former commissioner for the New Jersey Department of Environmental Protection, who is now in private practice as an attorney and consultant, instead supported a state approach. He pointed out examples of successful integration already happening among states without

BNA Snapshot

Integrated Water Resources Management

Key Development: Water resources policy should be better integrated among states and between states and the federal government, but state and federal officials and legal experts differ on how to achieve the goal.

a federal requirement, such as New York's watershed agreement or restoration efforts in the Florida Everglades.

"I think if I were going to have any new federal role, it would be for enforcing [federal] mandates, supporting on-the-ground efforts, and taking on the problem of how to more quickly resolve conflicts that arise between states and between states and the federal government," Campbell said.

The SWIM Act ultimately may not be as attractive to states as CZMA has been because integration is "not quite the same in the freshwater context as it is in coastal," Adam Schempp, director of the Western Water Program at the Environmental Law Institute, said.

For More Information

Barton Thompson's paper, *A Federal Act to Promote Integrated Water Management: Is the CZMA a Useful Model?* is available at <http://woods.stanford.edu/sites/default/files/files/IntegratedWaterManagement.pdf>.

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