

THE PRINCIPLES AND EFFECTIVENESS
OF PUBIC PARTICIPAION IN
WATER RESOURCE PLANNING

by

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ABSTRACT

An analysis of the principles of public participation in a Democratic society was conducted. Three models for actualizing these principles in "common pool" resource planning were examined and compared. The three models were the market system, the political party system (i.e. the Green Party of West Germany), and the Citizen Advisory Committee in conjunction with an established government bureaucracy. It is this author's opinion that, at the present time in the United States, the Citizen's Advisory Model (i.e. CAC) offers the greatest opportunity for meaningful public participation among the three models examined.

The Water Supply Citizen's Advisory Committee of Massachusetts (i.e. WSCAC) was analyzed as a specific example of a functioning CAC. The WSCAC was effective in increasing the interests involved in the water supply planning process. WSCAC also was instrumental in guiding State water policy decisions and in increasing the issues to be considered in those decisions. Because of the ad hoc nature of WSCAC, inclusion of the findings of the CAC in State water policy and the very existence of the CAC are dependent upon the associated State bureaucracy.

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Introduction

Citizens in democratic societies accept the concept of public participation in public policy decisions, although the extent and form of this participation varies throughout all dimensions of government. The specific policies which lend themselves to public participation also vary. This is particularly true of water supply policies, since, inherent in the nature of water, this resource transcends established political and legal boundaries.

This thesis addresses the application of public participation in water supply policy. In Chapter I, I review the theoretical principles of public participation for any democratic society. Using three formal models of public participation, I discuss the use or exploitation of "common pool" resources, specifically water supply in Chapter II. Finally, in Chapters III and IV, I examine the Water Supply Citizens Advisory Committee of Massachusetts (WSCAC) as a working model to actualize the principles of public participation in water policy.

Chapter I

Principles of Public Participation
in a Democratic Society.

The principles of public participation are well founded in our democratic society. By definition, "participatory democracy" is dynamic and defies a specific (i.e. stagnant) definition that can be applied in all situations. Even with this endemic difficulty with definition, there are common threads found within most concepts of public participation. These commonalities are "representation" and "public interest." The concept of representation includes four core elements: accountability, responsiveness, legitimate expressions of power, and the marshalling of public opinion.¹ Public interest poses another problem of definition, but the concept is vital as an "ideal goal to pursue" and a "purpose for action."²

Accountability

With few exceptions, most individuals in our society consider the United States to be democratic. In such a society, power is ultimately vested in the "people" or the "public." The present form of United States democracy is a

¹Michael Fagence. Citizen Participation in Planning. (Pergamon Press, New York, 1977). P. 53.

²Ibid., p. 73.

representative or republican government. In such a system, the public exercise their power through electing their officials or agents. In theory, if these elected officials do not properly reflect electoral interests or values through their actions or policy decisions, we simply vote them out of office. Despite this, we understand that the mere act of voting for public officials every two to six years will not guarantee a true representation for our individual and/or collective views. There are far too many issues and frames of reference to expect the electoral system to be adequate in all situations concerning public policy making. Even the most well intentioned and capable of political representatives will not be all things to all people at all times, nor should any representative be expected to be. What we can expect is that any governmental form or individual representative claiming to be democratic will be accountable and responsive to those influences.

Many democratic theorists have expounded upon the merits of a representative form of democracy. The arguments raised include notions of social and economic efficiency: that is, decisions can be made by the few for the many in a more orderly way; saving time, work hours, and money. There are many decisions to be made in a limited period of time and it is near impossible for all citizens to directly take part in all decision making processes.

Parallelling the arguments of practicality and efficiency, there are many theorists and practitioners who believe that the general mass is just not capable of making policy decisions. This incapability is due to either a lack of knowledge or ability. An articulation of such a view is included in Schumpeters Capitalism Socialism Democracy, 1943 in which he states "the electoral mass is incapable of action other than a stampede, so that it is leaders who must be active, initiate and decide, and it is competition between leaders for votes that is the characteristically democratic element in this political method."³

We don't have to agree with the tone of such statements, but we have all experienced this democratic elitist attitude. "The primary concern of elitist theory is to maintain political stability by promoting processes and structures for decision making more accommodating to efficiency than to popular equality in participation."⁴ Once elected, politicians and their appointed bureaucracies can become isolated and self-sustaining. This is not to say that all bureaucrats and politicians are indifferent to the "mass", but unless the individual has access to their

³J. A. Schumpeter, Capitalism, Socialism, and Democracy, (Geo. Allen & Unwin, London, England, 1943). p. 283.

⁴Michael Fagence, Citizen Participation in Planning. (Pergamon Press, Oxford, England, 1977). p. 28.

representatives, direct contact and control are lost. Without accountability, an individual or governmental body would be above the law. Without accountability, the individual, agency or governmental body would become isolated from the general populace, either in their design or through their practice.

Part of this isolation is due to low voter turnout at all levels of government. This could mean that the nonvoters are giving defacto support for the status quo or it could be just a symptom of indifference. I believe it could be more accurately portrayed as a feeling of having no real choice at the polls or the understanding that voting alone for representatives won't substantially change an individual's life. An argument raised by the Wobblies (IWW), the one big union proponents, is the notion that if we all refuse to take part in the electoral system, the existing elitist system would not be legitimized. The IWW is all but gone from the American scene, but the feeling of separation between the citizen and the political system is still pervasive. Public opinion polls show that politicians are one of the least trusted professionals.

There is also an existing socio-political system different from but intertwined with the formal representative governmental system. A pluralism of local, regional, and

national social and cultural organizations, their members, their supporters, and the non joiners all make up the system. Any combination of these elements activate the formal system. "...critical judgments and decisions of citizens, not the rule of law per se, orders socio-political life."⁵ It is obvious that the elements of a pluralistic society will attempt to influence the formal governmental structure. Ideally, the aggregate of all these influences will be a better representation of the publics than would be achieved simply by voting in elections. If this interaction works well, the individual and the public interests will both be enhanced. If it does not work well, only a small segment of interests will be truly represented and institutions may consolidate power even further and thus become less democratic. "...one of the greatest dangers of democracy lies in the sinister interest of the holders of power: it is the danger of class legislation...one of the most important questions demanding consideration is how to provide securities against this evil."⁶

The concept of accountability is most often founded in a legal and/or moral framework. When an individual or group acts in an illegal manner, the judicial system has the power

⁵Carole Pateman. The Problem of Political Obligation. (John Wiley & Sons, New York, 1979). p. 153

⁶John Stuart Mill. Representative Government, (Everyman, ed. 1910). p. 254.

to force compliance and punish or fine. Within and without the judicial system, there is a moral or social system that can make persons or groups answerable for their actions or inactions, a "social contract". For accountability to be equitable and binding in either case, written or social law, persons must have equal access and the means to take part in the forming and enforcement of laws. To quote Rousseaus's Social Contract, "A people, since it is subject to laws, ought to be the author of them".⁷

Having a structural framework of law is important, and if the laws are wise, this can be a useful avenue through which persons can seek justice. But the court system is not the ideal platform for social and political considerations to be answered. The decisions in court cases are often reached on the finer points of law, without touching the essence or substance of the issues. Also, it is well understood that access to the legal system is restricted by practical considerations of financial ability and time availability. The time factor is important for two reasons: One, the individual or group seeking justice must make changes in his/her/their own working schedules to take part; and two, the courts are overwhelmed as it is, thus a case may take weeks, months or even years to be heard. Even the

⁷Rousseau. The Social Contract. (Cranston, M [trans.], Penguin Books, 1968). p. 83.

proliferation of lawyers in our society shows little promise of easing these problems. It can be argued that this is actually part of the problem. Achieving a sense of mutual social obligation between individuals and among the many publics without relying upon the courts is worthy of pursuit.

Responsiveness

A broad base of participation at the local level and flowing upward to the national will help achieve such an end. The act of local participation is the base ingredient to provide practical education to the individual about the system. Through such education, it is presumed a person will also become aware of his or her interdependence with other citizens and their interests. This process of interaction and participation will produce the mutual obligation toward other persons taking part and will give more political credibility to any decisions or policies undertaken in their name. "Society can be seen as being composed of various political systems, the structure of authority of which has an important effect on the psychological qualities and attitudes of the individuals who interact within them; thus, for the operation of a democratic policy at the national level, the necessary qualities in individuals can only be developed through the democratization of authority structures in all

political systems."⁸

When systems of government are not democratic, either in perception or reality, most individuals will lose their bond with the process itself and the concept of obligation will diminish. This obligation should be mutually accepted by both the public and the multitude of public servants (i.e. bureaucrats and politicians). Once politicians and their surrounding bureaucracies are viewed as separate from the public, there is a loss of democratic function. If the ruling or governing bodies do not demonstrate their accountability and responsiveness, the responsibility for renewing these principles through expressions of power rests with the public.

Expressions of Power and Popular Opinion

Political power can be expressed by individuals by running for public office, direct lobbying, speaking in public, voting in elections, or writing letters, to mention but a few of the options. It is more likely and practical that individuals will join together to form groups or organizations to more strongly present their views and desires. These groups, in turn, can protest, demonstrate, support politically candidates or legislation. They can pool

⁸Ibid., p.35.

social, political and monetary resources to enhance their ability, to hire lobbyists, employ staff, purchase advertisements, and join with other groups to form coalitions. All of these options can have the effect of giving an individual idea or point of view a better chance of being effectively incorporated in any legislative decision or policy. A healthy and functioning democracy should encourage and foster such activity both from the realization that representatives need to know the public's opinion, and the realization that any formal system of government has practical limitations. If such activities are discouraged or forbidden, the system could become tyrannical or the populace could find other methods of expressing power.

Throughout the history of the United States, we have witnessed extreme examples of misrepresentation or under representation. History also records the reactions to such situations when the persons involved believe their concerns or beliefs are not considered. The process of forming a new government after the American Revolution included Shay's Rebellion. Many small farmers/soldiers were disenfranchised to the point of armed revolt. A great deal of credit for the Bill of Rights has to be given to this expression of power. Most of the Civil Right's legislation passed during the 1960's was due primarily to the massive protests and marches of the time. It is also clear that the United States'

involvement in the Viet Nam conflict was brought to an early end primarily due to massive public protest. The existing government policy was not an adequate reflection of public opinion and the result was a near revolution. The fact that policy did change is an example of accountability, responsiveness, and expression of public power. More often, such drastic policy shifts can be described as government of reaction.

It is inevitable that some conflict will always be present when many individuals with different value systems are involved. But it is detrimental to the overall socio-political system in that the process of government by reaction can reinforce itself. If protests and demonstrations are successful, the participants may tend to believe that such a form of expression is the best way to direct policy. There are situations that dictate this form of participation, but in general, the enormous amounts of energy, resources, thought, and time could be better spent by all those involved.

The New England town meeting is often referred to as being the quintessential example of American Participatory Democracy. This form of government does offer direct communication and debate on articles of concern, but I believe this forum is quite often ceremonial. Debate can

rage for an hour or more on a specific topic such as dog licenses or a sign bylaw, while million dollar budgets and implied policy can quickly pass on oral vote. Most attendants of town meetings are uninformed about many of the articles on which they are to vote, information that is presented is limited in scope, and the time to deal with issues is limited to one or two days. The town meeting affords each individual the opportunity to speak his/her piece. This concept is admirable, and should be available at more than just the town meeting. A more consistent and far-reaching link between citizen and government is needed.

At the local level, consider that selectmen, counsellors, or individual boards are often swayed primarily by large numbers of voters attending meetings. This is positive in the sense that it is responsive to a item of specific interest, but the atmosphere seldom is conducive to wise or well considered choices. The politicians may feel gratified that they listened to their public, but at the same time, many equally important issues are summarily handled due to limited time or a low citizen turnout.

The further an individual is removed from the ultimate decision, the more alienated an individual feels. If individuals and/or publics do not take an active part in any discernable expression of power, how can there be accurate

gauging of public opinion? If we accept the principle of mutual obligation between and among all citizens and their representatives, it is a necessity to ascertain the opinions that are not obviously demonstrated through representative or pluralistic channels. The politicians and vast bureaucracies are dutifully bound to do more than tolerate and accept public opinion; they must seek it out. The citizenry is also obligated to take part and express their will. The techniques exist for this to be accomplished throughout our political and legal systems. These techniques have met with varying degrees of success. However, the dynamics of a functioning democracy are so profound that techniques alone are not adequate. Opinion polls may serve the office holders or seekers, but they do not serve the persons they are to represent. Techniques must be timely, appropriate for the situation, and equitable, both in application and form. If techniques and the socio-political setting are combined, the result can provide practical forms or working models for meaningful participation.

When issues are specific enough to effect individuals, but also broad enough to incorporate many governmental bodies, how can the public participate in guiding policy? There are many answers to this question. Within common economic systems (i.e. planned or capitalistic) some models may work. Within one large political boundary, other models, such as the party

system or public pressure groups, may prove adequate. The following chapter considers the practical application of public participation models that can be used in post-industrialized, capitalist nations when forming public policy for natural resources.

CHAPTER II

**Theoretical and Conceptual Models of
Public Participation in Resource Planning**

The goal of the public interest is usually presented in rhetorical terms. Any model of public participation should include the principles presented in Chapter I, and some functional preconditions to embody these principles. There should be a shared objective among the participants. The participants should have sufficient resources to complete basic functions. The agenda details should be set by the participants, and the findings of the varried interests should be included in the policy decisions. What elements are so vital in our lives to require such involvement?

Periodically, natural resources are viewed as having both individual and national importance. Fish stocks, oil deposits, and National Parks are but a few examples. One issue that is universally perceived as having great individual, national, and community importance is water. Whether we live in urban centers or in rural isolation, water is a necessity of life. Societies use water for consumption, power, transportation, cooling, recreation and assimilating wastes. Civilizations have prospered with its abundance and purity, and have diminished when water is scarce or low in quality.

For centuries, societies have dealt with the uncertainties of natural fluctuation in water availability in many ways. Storage areas and aqueducts have been constructed, rivers have been diverted, and subterranean aquifers have been tapped by wells. As demand for water grew, so did the technical capabilities for obtaining it. The water engineer and accompanying technologies and bureaucracies have historically assumed primary responsibility for water management. As water needs and availability progressed beyond the local communal spring or well, the reliance on experts and water managers grew even greater. Generally there has been little questioning by the public that water supply issues, even though important to all of society, were best handled by the technical experts.

A number of factors have combined to alter this perception: most easily obtainable, good quality water sources are depleted; the expense of accessing other water sources has increased drastically; and the interconnection between water supply development and other elements of society have begun to be realized. The OPEC oil embargo shocked most industrial societies into the reality of finite resources and the necessity of demand reduction. Add to this the realization that pollution was taking its toll of existing resources. Major changes regarding water

management were inevitable. The foundations of how to approach the problem of water supply and who should be involved in planning and management are now being questioned. The status quo of planning, management, and structures of the bureaucracies have altered drastically. During the 1970's many poetically worded acts have been passed that formed new regulating agencies and imposed legal requirements in order for the public to be directly involved. Besides the governmental actions, many new social and political organizations have sprung up to address the problems.

Competitive Market as Model for Public Participation

In any culture or social-political system, there is an exchange and distribution of goods and services. Either in capitalism or a totally planned economy, this exchange and distribution is considered to be the market. Getting ones house painted or purchasing a car or a home are practical examples of what is included in the market. Some political systems extensively control and guide the market, while others basically allow the market to control itself (e.g. the competitive market). Can this competitive market provide adequate means of public participation when the goods and services to be dealt with are water and its treatment, distribution, and management?

In theory, the competitive market system allows persons to participate by making their preferences known through the purchase (price) of varying amounts of water (commodity). It is stated that, in a free market system, the product or service would be delivered in the most efficient manner, through competition among producers, thus helping the consuming individual and society as a whole to maximize their "utility" of consumption.

The attainment of this "efficiency" will also allow the competing producers to maximize their profit. There are, of course, some necessary conditions for the competitive model to exist:

- both consumers and producers must act rationally
- consumers and producers must be numerous
- information must be perfect
- economies of scale must exist
- capital and labor must be mobile
- the commodities must be homogeneous and substitutes readily available.

Constraints to this model, according to its proponents, include: excessive government intervention, government subsidy or ownership and control of resources, and a lack of transferable water and pollution rights. Government intervention in the form of regulation and subsidization of water projects has made it difficult or impossible for private firms to compete, and has actually hidden the true cost of this commodity or service. When federal or state governments

give grants or low interest loans for developing water facilities, inefficiency is promoted by causing projects to be built that would not have been considered in a purely competitive system. The many consuming publics in effect pay indirectly through taxes or fees to the government.

The water from Federal projects costs so little, comments the Washington Monthly, that farmers find it cheaper to use than to save water. In California's Wetlands reclamation district- where the average farm is 2,400 acres and produces profits of a half million dollars a year-the Federal government is charging \$10 per acre-foot. In neighboring areas, water on the free market may cost 100 times that amount. In South Dakota, users pay \$3.10 an acre-foot for water that actually costs \$131.50 to produce.¹

Most Western industrialist nations consider water as a "flow resource" that has worth: intrinsic and independent of its ability to hold value in human demand terms, and also having worth directly related to the value of human demand. In the past, this resource was considered to be a "free good," offered by nature and open for exploitation. The rights to water and the gathering or delivery of water were considered in either common pool terms or individual property.² The charges to users or consumers for water supply were generally more closely related with the infrastructure needed to store, deliver, and treat the water,

¹"Utne Reader"., No. 13, Dec 1985/Jan. 1986. p. 83.

²Earl Finbar Murphy. Nature, Bureaucracy and the Rules of Property. (North-Holland Publishing Company, Oxford, 1977). p. 177.

and the personnel to operate and maintain these facilities. In most cases there was virtually no charge for the water itself. The basic beliefs that water was a right and it was relatively free, have guided the development and management of water supply facilities. The false notion of water being a free resource is not as prevalent now as it once was, but the idea that water is a "right" still persists. Even with such beliefs, scarcity and pollution problems have added to the understanding that water is a valuable resource and will require considerable expenditures to protect, treat and deliver. Many theorists and practitioners of capitalism believe that the competitive market is the best method to accomplish this function.

Advocates for this model believe that water will only be accurately valued when the market sets the price. When the value is great enough, private firms will develop new resources to meet the need. Pollution, degradation, or waste of water resources would also be prevented because the price for the water commodity would climb proportionately to its scarcity.

Unfortunately, many of the elements needed to achieve a pure competitive market with water as the commodity are not present or even possible in our society. The elements that are lacking are:

- Information is not perfect.

- Substitutions or replacements for water are not readily available (i.e. limited vendors)
- Water is not perceived by many users in a rational way.
- Many publics perceive water as a "right".
- Water, it's uses, and the effects of planning for these uses are not always quantified in economic terms.
- Adequate handling of the externalities of:
vendors, technologies not accounted for, industries using water.

Critical to any consideration of using a competitive model for supplying water to the various publics in any society is the public's perception concerning water as a right or as a free flow resource, basically being supplied by nature for human exploitation. Until the early 1970's or late 1960's, the finite nature of many of our resources, water being one of the main considerations, were perceived as being infinite. Those perceptions have changed, but the perception of water being a right of individuals has not changed substantially. At present, most urban dwellers only worry about water when either the tap runs dry or the media covers stories about pollution threatening the health of the users of any water supplies, or when we see direct pollution of surface waters or direct effects upon the health of individuals in our families from consumption of tainted water.

This perception may be founded in society's own lack of education about the entire hydrological cycle, including our own living standards as an effect upon the quality and quantity of water available. It may also be due to pure ignorance. No matter what the source of this lack of

information concerning water and water supply, it is a well stated fact that most people do not realize their own effects on the overall water supply. Most individuals do not consider themselves part of this pollution or waste cycle. Even if they did realize that modern day lifestyles and a consumer society have greatly added to the demise of readily available, high quality water, there is little an individual as such, could do, to alleviate this problem.

Most of us have many choices regarding what to buy in the competitive market. But when dealing with water, we have very few if any choices. Most urban dwellers can not drill a well to gain pure and high quantity water. We may have this option in a rural setting, but the vast majority of individuals do not live in a rural setting in the modern industrialized societies. We are bound by the available delivery mechanisms and to purchase water from the producer of that service. The perception of water as a right, as well as federal subsidization of water resources (e.g. South Western Irrigation), and the fact that the actual cost of water most localities has been until recently placed on the total tax rate, have all added to separate individuals from water planning or its true value. This is not to say that many human beings don't put a very high value on water, but the actual cost of water has only recently begun to surface in water and sewer fees and the inconvenience of paying these

growing sums. These cost increases can be directly related to water supply development and the maintenance of existing facilities and watersheds.

The values that are placed upon water, or given to water, very often cannot be quantified. We cannot put an actual dollar figure on the importance of water. How do we put a dollar figure on what water or its scarcity can do to a whole community or region developing, growing, or simply maintaining? It is hard to find anyone who does not to some degree consider water "a right", not simply a commodity.

When we attempt to place water supply, the planning of water supply and all the implied interconnecting disciplines and systems, into a competitive market framework, we place water into the realm of "property." Once this happens, the multitude of questions concerning property, ownership and jurisdiction must be considered. The consideration of property implies ownership of a physical substance or ownership of a means of production of some commodity. Legal questioning concerning water rights and jurisdiction, because of their physical nature (i.e. as part of a cycle affected by but not controlled by human beings), and because of the intangibles surrounding water that cannot be listed in a benefit/cost calculation, cannot be judged in the market place.

For the model of a competitive market to work for water supply and water resource planning as a method for empowering the public, and to be truly democratic, the system has to address questions of equity and empowerment.

A free market system, we must assume, allows everyone to participate equally, and goods and services also to be distributed equitably. If this were not the case, then it would have to be assumed that many necessities of individuals and society regarding health, safety, and basic property are not accommodated by such a model.

Do we have control over our environment? Do we decide the quality of the air we breathe and the water we drink? Should the profit motive be the driving force in answering those questions? Are we able to control and answer all of those questions as consumers? There are examples of individuals and groups working through the market to effect changes in policy. Ralph Nader's consumer action groups, and social actions such as grape boycotts or the Nestle boycott have met with limited success. Unfortunately, most individuals and groups (i.e. the public) generally have to react to the market. As individual consumers and producers, we are not mutually obligated nor empowered within the market system when water is treated as a commodity.

There is a need to educate citizens concerning the dollar value of water and associated services. Without such understanding of the actual cost, the public cannot judge the merits of any associated policies. Market principles can help in this task. The subsequent knowledge can even help individuals and publics plan or alter their own consumption patterns. What can not be altered, is the reality that consumers of water have no choice. They must have water.

The Political Party Model - W. German Greens

Political parties are the most common vehicle for individuals to participate in government function in Democratic societies. Debate between, support for, and membership in political parties can express an individuals interests. Theoretically, the more parties there are the more opportunities there are for these interests to be expressed. Can a political party offer the public a functional model to alter or guide water resource policy?

A prime example of social and political change and new organizational form for public participation is the Green Movement. The leading example of this movement is the Green Party (i.e. Die Grunen) of West Germany. The birth of this party and movement is parallel to similar socio-political movements in other democratic, industrial nations during the

early 1970's. The party structure and its interplay with the electoral system has not been extensively actualized outside of West Germany, but the Green "Movement" has common examples through out the Western World.

Rooted in over 1200 ecological and social movements in West Germany, the Grunen formed in 1979. These groups ranged from public housing advocates, feminists, socialists, ecologists, no nukers, and disarmament organizations. The four basic goals of this party are: ecological protection, social responsibility, grass roots democracy, and non-violence.³ The formation of a party to attempt social and political change can be viewed as working within the system. But change or transformation of the basic political system is one of the common themes exposed by the Greens (Alternatives). The premise being that an industrial capitalistic state has intrinsic flaws that promote private profits over basic human needs. "Green politics challenges the integrity of those ideologies, questions the philosophy that underlies them, and fundamentally disputes the generally accepted notions of rationality."⁴ The existing major parties are believed to be incapable of the needed changes because they are too intertwined with the existing system that

³"Environment"., Vol. 27, Number 3. (Heldref Publications, April 1985). p. 21.

⁴Jonathon Porritt. Seeing Green. (Basil Blackwell, Oxford, UK, 1984). p. x.

has led to the present situation. "With fewer voters actually able to understand what's going on in so complex and sophisticated a society...increasingly in the hands of experts and specialists, the very nature of our democratic decisionmaking process is becoming sadly devalued."⁵ The theories of ecology that were popularized during the early 1970's saw the necessity of connecting social, economic, political and scientific elements. Dealing with any one without the others would not be sound or efficient over time. Even though the principle of participatory democracy is by definition very local, this individualistic approach is bounded by and connected with a global image of political ecology rather than politics of industrialism and growth.

Some of the differences that distinguish these two world paradigms are listed below:⁶

The politics of industrialism

An ethos of aggressive individualism
 A 'free-market' economy
 Ever-expanding world trade
 Demand stimulation
 Unquestioning acceptance of the technological fix

The politics of ecology

A co-operatively based, communitarian society
 Local production for local need
 Self-reliance
 Voluntary simplicity
 Discriminating use and development of science and technology

⁵Ibid., p. 88.

⁶Ibid., pp.217-218.

Centralization, economies of scale	Decentralization, human scale
Dependence upon experts involvement	Participative
Representative democracy	Direct democracy
Domination over nature	Harmony with nature
Environmentalism	Ecology
Environment managed as a resource	Resources regarded as strictly finite
Nuclear power	Renewable sources of energy

Using these distinctions, the hope and belief of the movement is to transform the existing political power structure. This transformation can occur only if there is a continuation of grass roots organizing and "...a passing down of power from above..." in the form of new legislation and regulations.⁷

The strongest condemnation of the Grunen has been for being oriented to only specific radical issues and not seeing the big picture. Any definition of ecology (the Grunen often called the Ecology Party) would at least refute the last of those objections. The complaint of radicalism and an issue by issue agenda does have merit when you consider the actual demonstrations and theatrical tactics used by the party's membership.

On the opening day of being seated in the Bunderstag, Green Party members dressed in white medical uniforms and carried a coffin as well as other props to draw attention to

⁷Ibid. p. 166.

the dangers of catastrophes both inside and outside of the Parliament.⁸ The dichotomy of the effects of such tactics is obvious; attention is drawn to the group and their issues but chances of expanding the base membership of the party is diminished. Other major parties may be appalled by such an approach, but it has to be mentioned that both parties in Germany and most major political parties in Western industrial democracies have incorporated ecological planks. Even with the membership of the party relatively small (i.e. 25,000 members), there is strong public approval of the Green's message, if not the tactics.⁹ Approximately nine percent of the parliamentary seats are held by members of the Die Grunen.

Practically the strongest support of the Greens in West Germany is among the unemployed voters under 30 years of age. A bit more surprising is that both of the other major parties (i.e. SPD and DSR) consider the Greens most capable of dealing with questions of ecology and unemployment. There is virtue in connection with these issues, but as mentioned earlier, isolating these issues from all the socio-political workings is not the desired conclusion. This segmentation of priority issues and general goals has worked when dealing with the other political parties because agreement has been possible

⁸"Environment"., Vol. 27, Number 5. (Heldref Publications, June 1985). p. 34.

⁹Ibid., p. 35.

on mutual specific policies at the local level without necessarily having to find mutuality at the national level.

Judging the effectiveness or durability of the West German Green's to express public participation principles is difficult. Within the party system itself, the Green's are accountable and responsive to their membership and supporters. Green Party members that hold office in parliament have been limited to between two and four years before relinquishing the position. Some of the effectiveness of these office holders in making political contacts and dealing with established bureaucrats is diminished through this practice. But vital issues of direct accountability and responsiveness to the grass roots foundation of the movement are put in jeopardy if office holders become separated and eventually democratic elite.

The apparent contradictions have led to frustration and in fighting among many party members and supporters. Some state and local parties are suspending the requirement for rotation of office holders and at the same time, some members have left the party entirely, due to these changes. There has also been disruption and confusion during conferences that press for consensus before finalizing any priorities. One example of depths of apparent disharmony was Rudolf Bahro (a Green Party theorist and tactician) being shouted down by

some members of the party...."for pleading for calm discussion instead of the mere chanting of slogans."¹⁰

The Green's in Germany have gained social legitimacy and have expressed their power through the electoral process. At the same time, many of their issues have become popularized through this process. Unfortunately, some of the tactics used to gain popularity may have limited the potential for the party to broaden its support base. Public opinion about the Green Party and the issues it represents is, in many ways, separate from the opinions held about the tactics used.

Until the recent series of industrial spills on the Rhine River, impressive progress has been made in improving the quality of water in the river. Fish species and plant life were beginning to return and, considering the amount of industrial development in the Rhine, the positive changes were significant. Pressure and activism from Die Grunen and their supporters has added greatly to this effort. The nature and origins of this accident, as well as the Chernobyl nuclear accident, have demonstrated that any movement such as The Greens must transcend normal political/legal boundaries if success is to be achieved. The viability and future of movements such as this depends upon a few major conditions:

¹⁰Rudolf Bahro. Red to Green. (The Thetford Press, Thetford, Norfolk, Great Britain, 1984). p. 137.

the existing power structures of industrialized states must continue to demonstrate an inability to deal with conditions of inequity and ecological degradation, and the roots (i.e. the individuals and publics) of such movements must maintain their own and a movement identity to avoid being cooptated into the existing formal political party structures. The unity of activists pressing their individual agendas, and also pressing for a broader base of participatory democracy will be difficult to maintain.

Perhaps a party such as the Green will evolve in the US. There have been active third parties in the US's history, but at present the two party system is the dominant force. Without a multiple of parties to represent the many divergent interests associated with water supply, the political party model will not provide adequate public input.

Citizen Advisory Committees and Existing Bureaucracies

Most persons in an industrial, capitalist society do not live in a perfect competitive system, nor has a party such as the Greens of West Germany materialized. We live in a society that is basically capitalistic, but the production of many goods and services are regulated, controlled, licensed, or provided by a governmental system. Most government systems spell out specific methodologies for their public to

participate. Public hearing, voting on referendum, special task forces, and ad hoc committees have also become popular methods to access the populous into the policy considerations. One of the most often used methods to incorporate public interests in policy decisions is the ad hoc Citizens Advisory Committee.

The principle behind a Citizens Advisory Committee (i.e. CAC) is to formalize an input from the public, considering the CAC as a microcosm of the larger macro-public. The CAC's are formed to link the public to the policy process by more accurately representing affected publics. An important assumption about the use of CAC's is that a specific and finite number of citizens can in fact reflect the much larger body of publics and their interests. The function of CAC's is to help alleviate possible social and legal bottle necks in implementing policy. The premise being that a policy generated by a bureaucracy with the input of a CAC will be more widely accepted and a better policy.

For any CAC to be an effective tool for public participation, the principles of representation (i.e. responsiveness, accountability, empowerment, and marshalling of public opinion) should be incorporated.

- The membership of the CAC must be representative of the publics likely to be affected by policies.
- The CAC should seek out public opinion beyond their membership.

- A linkage of accountability and responsiveness from the public to their representatives on the CAC then in turn to the associated bureaucracy or government body.
- Empowerment of the CAC should include autonomy to form its agenda, financial backing to hire staff, gather and disseminate information.

The selection of any CAC membership is primary to its function and legitimacy. "People who are invited to work on these bodies tend to be prominent officials, interest group leaders, and active citizen participants."¹¹ Choosing from this group can be meaningful only if they also are representative of the broader public opinions and issues. The very active or "squeaky wheels" are often chosen to avoid future confrontations, or to merely dilute their possible opposition in a committee format. The usual method of choosing is for the decision making body to appoint persons to fill the CAC membership. Unfortunately, it is likely that the persons most likely selected are "...those individuals and organization with whom they most often interact and on whom they generally rely for political alliances."¹² This practice may be politically expedient, but it may just reaffirm the status quo of policy making.

The totally open process of choosing the CAC's

¹¹Sheldon Kamieniecki. Public Representation in Environmental Policymaking: The Case of Water Quality Management. (Westview Press, Colorado, 1980). p. 99.

¹²Jone Pierce and Harvey Doerksen. Water Politics and Public Involvement. (Ann Arbor Science Publishing Inc., Mich., 1976). p. 251.

membership is equally open to failure of fair representation. A first come, first serve method or merely choosing members from the persons attending a public meeting will be unduly limiting. Ideally, the final CAC membership should reflect the actual distribution of water resource interests in the public, whether they are presently active or not. The combination of having specified slots and open recruitment offers the best resulting membership for a CAC.

Once a representative membership is formed, the CAC must have the ability to gather information and, within a framework mutually agreed upon by the decision making authority and itself, set its own agenda. Implicit with these is a need of adequate funding to hire staff, conduct fact finding, and disseminate information. Without these elements, it is unlikely that views or interests within the CAC can be properly tested or expressed. As such, information sources will be limited to the bureaucracy or their paid consultants. This in turn can prevent the CAC from ascertaining views and opinions from publics not already being expressed or represented in its membership.

For the CAC to be judged effective, there should be inclusion of its findings and recommendations into policy decisions. If they are ignored or discounted, policies may be in turn ignored or legally opposed. If the CACs' findings

are included in policy, then at a minimum, the policy decisions will be reflective of the expressed public interest. No matter how well the public is represented, the ad hoc nature of a CAC leaves this form of participation vulnerable to the power of the associated bureaucracy.

Chapter III

The Water Supply Citizen's Advisory Committee

Within this chapter, I will examine a CAC associated with Water Supply Planning in Massachusetts; its origins, and the issues and interests involved.

The three models mentioned in Chapter II all have specific and varied applications for public participation in resource policy planning. Of these three, the Citizens Advisory Committee offers the widest range of application. Even though the market system has to be considered, there are far too many hindrances (both structural and conceptual) for the market system per se to adequately include the public. The Greens, as an example of the political party model are limited by the fact that the status quo of government agencies and bureaucracies will not relinquish political power until the "alternatives" assume a clear majority. For better or worse the US is limited, at present, to a two party system. The CAC has applications in all bureaucracies independent of party structure.

Reassessment of State Water Policy

During the late 1960's, the State of Massachusetts and major sections of Northeastern United States were affected by

a severe drought. State and local governments were forced to drastically restrict water use. In some municipalities, limits were even placed on housing construction. The drought eventually eased, but the memory of its effects remained. In response to the draught and the impact it had upon large segments of the State's population, State government officials recognised a need to reassess existing water policies. The State of Massachusetts through the Executive Office of Environmental Affairs commissioned Wallace, Floyd, Ellenzweig, Moore, Inc., as consultants to address this issues. The Massachusetts Water supply Policy Statement of 1978 was the resulting document.¹

The summary findings of this report included the consultants assessments of the major water related problems in the Commonwealth of Massachusetts. These five are:²

- a lack of water consciousness by the public
- resource/population imbalance
- competitive uses of water
- uncoordinated resource planning
- undefined public role in resource management (public and private role uncoordinated at present)

Also included in this "Policy Statement" was the specific recommended action for the Metropolitan District Commission to start preparing engineering studies and Environmental Impact

¹Wallace, Flloyd, Ellenzweig, Morre, Inc., Massachusetts Water Supply Policy Statement. May, 1978.

²Ibid. p. 10-11.

Reports for the Northfield Mountain Water Supply Project.³ This project proposed "skimming off" water from a pumped storage area along the Millers/Tully Rivers. The water would then be diverted to the Quabbin/Wachusett Reservoirs, which are on a different watershed basin. A need for "full citizen involvement" was included in this recommendation.

Very often, the origins of public participation are founded in reaction to specific projects and proposals. Such a reaction occurred during the late 1960's and early 1970's when the Metropolitan District Commission (i.e. MDC), and the Army Corps of Engineers proposed a large system of flood control dams and diversions for the Connecticut River. During this time period, public skepticism about governmental agencies and their policies was growing. Additionally, new concepts of ecological and interdisciplinary systems approaches found a focal point for application in these specific proposals.

Formalizing Public Participation and Setting the Agenda

Until the early 1970's, most MDC planning considerations and decisions concerning water supply have been conducted in a very narrow scope of disciplines and by a very few persons. In attempting to address the growing

³Ibid. p. 12.

concerns and to broaden the overall considerations about the Northfield Diversion project, the State of Massachusetts (i.e. the Executive Office of Environmental Affairs- EOEА) formalized a Citizen Advisory Committee. This Northfield CAC was formed through a Memorandum of Understanding (i.e. MOU, 1977) among the EOEА, MDC, and the Massachusetts Steering Committee for the Connecticut River⁴. In the formation of the Citizen's Advisory Committee, Evelyn Murphy the then Secretary of Environmental Affairs, thought it desirable to include the "supply" or "donor" communities in the Western part of Massachusetts along the Connecticut River. Some observers of the process of the CAC's formation believed that Secretary Murphy added a disproportionate weight to these Western communities and their interests. On the other hand, it would be fair to say that the MDC (MWRA) was disproportionate in its make up as user or pro diversion.

The role of the NCAC was to be a "...full and formal advisory role in the preparation and review of environmental impact documents (i.e. EIR's) on the proposed Northfield project. The opportunity for NCAC input into each phase

⁴"The Memorandum of Understanding. A Citizens Advisory Committee of the Proposed Northfield Diversion Project" (Part of the public record of EOEА, 1977).

Note: Until 1984, the MDC was managing all water systems, the supply reservoirs, and the transmission and treatment facilities.

included:5

- Review of the DMDC's RFP on EIR services
- Consultant Selection
- Scope of Services for EIR consultant
- Pre-review of important draft EIR sections
- Formal review and comment on draft EIR
- Formal review and comment on final EIR

The initial makeup of the Northfield CAC was to have 30 members total; 20 to represent interests of the Connecticut River and 10 to represent the MDC (MWRA) interests. Of the 20 members, three would be from the Massachusetts Connecticut River Steering Committee, three would be executive head of a Connecticut River valley city or town and one of these three would be a user of MDC water. Four representatives from the State of Connecticut, one from an electric power company using the river, one from agriculture, one from the League of Women Voters, one from the labor organization, a state legislator from the Connecticut River Valley, a public water supply manager, a sports fishing organization, a regional planning agency in the Connecticut River valley and two or more environmental organizations. Of the ten MDC representatives, interests that were to be included were: two environmental groups, two or more water users, industrial interests, the City of Boston Water and Sewer Commission, a local Boston area state legislator, a watershed association and a

5Evelyn F. Murphy et. al. "Memorandum of Understanding - A Citizens Advisory Committee on the Proposed Northfield Diversion Project". The Commonwealth of Massachusetts. Dec. 8, 1977. p. 3.

representative from the MDC planning council (i.e. MAPC).⁶ The inclusion of four representatives from a down river State (i.e. Connecticut), is significant. Formalizing out of state participation in the EIR planning process was an acknowledgement of the regional nature of rivershed issues.

During 1978, the NCAC's duties were expanded by the Secretary of EOE, and its name became the Water Supply CAC (WSCAC). The expansion was to include other geographical interests such as: Plymouth County, the Merrimack Area, the Ipswich River Basin, the Sudbury Watershed, the Neponset Watershed, the Charles River Watershed, Eastern Massachusetts areas not served by MDC including potential users. The expanded scope of concern to be studied by the Water Supply CAC was to include the Upper Sudbury River Watershed, the Merrimack River, ground and service water in current and future user communities, the Metropolitan Boston area in Plymouth county. Also, the option of water conservation including repairs to distribution systems, desalination and Quabbin watershed management, and finally, the alternative of no action at all.⁷

⁶Ibid. p. 1.

⁷Evelyn F. Murphy, et.al. "Agreement of Major and Complicated Project." The Commonwealth of Massachusetts. January, 1979.

Issues and Interests in Water Supply 2020

Before 1970, some publics were included in the planning and proposing of the Northfield and Connecticut Rivers flood control and water supply projects. Professionals working for the MDC and the Army Corps of Engineers were included, as well as a number of State and local bureaucrats. Of course, consultants and representatives of a few large industries and utilities were also included. The MDC was proposing the Northfield Diversion Project to meet projected water supply needs for the Boston Metropolitan area and other MDC water recipients. The Army Corps of Engineers was proposing the flood control dams along the Connecticut to prevent recurring flood damage along the banks of the Connecticut. Northeast Utilities was proposing a pumped storage project that required Federal permits. The permits were more easily obtained if "multi purpose" uses were incorporated. One of these purposes was water supply. It should be noted that this idea had its origins in a casual comment by a junior executive from Northeast Utilities.⁸ State and local bureaucrats and politicians were acting in support of the proposal to ensure that regional and local water supply needs for the future would be met. A common theme of the

⁸Edward R. Kaynor. Birth of the Northfield Mountain Diversion Idea: A One Act, Two Scene Play. (Report from Water Resources Research Center; University of Mass., 1976). pp. D1-D8.

proponents for these projects was that expanding water supply through the Northfield Diversion was the optimal way to meet the needs of projected population and economic growth.

The Connecticut River Flood Control Project and the Northfield Diversion Project met with some initial opposition from environmentalists, although the Northfield Diversion Project was viewed as a necessary evil to provide water for the Metropolitan Boston area. It was not until the public disclosure of an earlier commissioned study (i.e. The Curran Report) that opposition toward the diversion spread.⁹ This report stated that approximately 125 million gallons of water per day (more than the amount to be gained through the proposed Northfield Diversion Project) was unaccounted in the present Metropolitan District Commission system. The study suggested that this lack of accountability was a result of deteriorated and leaky transmission lines serving the Metropolitan District Commission users. Unfortunately, there was very limited access to recommendations in this study.¹⁰ Rather than publicizing the results of the study, MDC personnel withheld this information from the public or any non-proponent organization. The fact of suppressing such vital information, as well as the information in the report

⁹Michael Augustine DeFalco. A History of the Proposed Northfield Diversion Project. (Mass. Steering Committee for the Connecticut River, 1980). p. 28.

¹⁰Robie Hubley, personnel interview. 2/87.

itself, eroded a support base for the Northfield Diversion Project from many "donor" communities throughout western Massachusetts. This resulted in more active opposition by many individuals and organizations from these communities.

The growing concern of individuals and groups combined with the existing opposition toward the flood control proposals of the main body of the Connecticut River. The members of the WSCAC without exception do not consider themselves as anti-diversion. They consider themselves pro-proper management. As previously mentioned, one of the main ingredients was the Curran Report which was commissioned by the MDC when it was in control of the entire water supply and treatment system. The report stated that unaccounted for water in the metropolitan delivery system for Boston had a total amount approximated at 70-125 million gallons per day, which is equal to the amount of water that is probable by diverting the Northfield River into Quabbin Reservoir. Proponents for the diversions often referred to the water that would be "skimmed" from the Northfield Diversion and pumped into Quabbin Reservoir as "excess" or "surplus" water. Statements were made that, at times of high levels of flow in the Connecticut River, water was "wasted" and flowed into the ocean. Opponents of the diversion schemes stated that this water is not excess or surplus, but seasonal fluctuations that have specific functions, both

environmentally and socially. Their contention was that it maintains a certain salinity level on the lower reaches of the Connecticut River, and a certain temperature level within the river. Also, water quality in the Quabbin would be reduced if water from the Connecticut River was diverted into it. A consideration of natural flood control such as the flooding of bottom lands is also a consideration. Subsequent replenishment of those bottom lands during flood periods would be diminished if this so called excess water from Spring run-off was taken or skimmed.

Even though many of the organizations represented on WSCAC have their base within the Connecticut River valley or one of its diversion basins or watersheds, the membership and supporters of many of the environmental groups have state and national constituencies. The influence of groups such as the Mass. Audubon Society, the Sierra Club and the Nature Conservancy is considerable in the user communities as well as donor communities.

The Sportsmen's Council was concerned that the successful salmonoid fisheries in Quabbin Reservoir would be disrupted by the diversion project. The specific fear was that the eggs and larvae of sea lampreys would be introduced into the Reservoir and, similar to the Great Lakes disaster, the

adults would attach themselves to game fish.¹¹

An organized labor representative is part of the WSCAC membership. Surprisingly to me, they were not in favor of the Northfield diversion project. If and when a Northfield diversion was undertaken, the tunnel work would be done by German construction labor, and the steel would come from Indiana. The conservation scenario, on the other hand, would more likely hire local workers to rip up streets and repair leaky pipes.¹²

The broader issues associated with the connection between water supply and limiting growth were concerns of a large number of publics. The Franklin County Department of Planning, the Lower Pioneer Valley Regional Planning Commission, the Charles River Watershed Association, Inc., the Mass. Steering Committee for the Connecticut River, the University of Massachusetts Water Resources Research Center, and the Sierra Club of Massachusetts all voiced the concern that merely expanding water supply would spur growth.¹³

¹¹Michael Augustine DeFalco. A History of the Proposed Northfield Dversion Project. (A Staff Publication of Massachusetts Steering Committee for the Connecticut River/The Northfield Citizen's Advisory Committee, February 1980). p. 24.

¹²Robie Hubley, personal interview. February, 1987.

¹³Wallace, Floyd, Ellenzweig, Morre, Inc., Massachusetts Water Supply Policy Statement. 1978. pp. 327-342.

Unique Aspects of WSCAC

The widening of the scope of concerns to be addressed by the Water Supply CAC added a dimension to the planning process that was necessary. The process was no longer limited to only the user communities and supply considerations. Watersheds of the scope considered in the study did not stop at city or town boundaries, nor did the possible effects, concerns, and interests stop at the State borders. Even though projects may be considered in defined geographical areas, the effects or consequences are often felt beyond where decisions are made. The WSCAC provided a much needed connection between greatly different views.

The empowerment of the WSCAC was legally accomplished in the documentation with the Massachusetts Executive Office of Environmental Affairs. The initial Memorandum of Understanding (a Citizens Advisory Committee on the Proposed Northfield Diversion Project), which gave birth to the Northfield CAC, and the Agreement on Major and Complicated Project, which expanded the agenda and the NCAC role, were the two main documents. These in turn gave the WSCAC legitimate power in the form of input to the EIR planning documents for Water Supply Study 2020.

An other unique aspect to the WSCAC formation, and

fundamentally required to empower the organization was that, for the first time, a citizen's group received State government funding in the Commonwealth of Massachusetts.¹⁴ At the beginning of the Northfield CAC, some funding (approximately \$20,000) was available. When realizing the large scope of the task at hand, reviewing the many diversion possibilities and discerning the impacts of such a diversion, \$20,000 would barely pay for one full-time staff person. Important elements such as office space, personnel, gathering and disseminating material, researching, telephone, etc. were impossible without additional funding. Eventually, space was made available to the organization by the city of Springfield and substantial funding was allocated for the Northfield CAC (WSCAC). As a result of the initial low financing, much of the documentation and correspondence generated from the NCAC is not able to be duplicated because it was generated from a hand-cranked mimeo machine. Also during these early organizing years, many of the members of NCAC and WSCAC relied upon their individual resources as well as their constituent organizations. In many cases, the aggregate of these served their purpose and in actuality helped to form new networks of mutual concern. Consequently, the interest and values expressed, and the publics involved with the CAC were broadened. The staff of the CAC increased the

¹⁴Marjorie Sackett and Robie Hubley. "Summary Report on NCAC." 1978.

flexibility of their function as well, by sharing the directorships between three persons.

Considering the scope of different interests and organizations involved, it is amazing that consensus on any issues could be achieved within the workings of WSCAC. A great deal of the environmental issues and concerns raised by the WSCAC members were expected, given the nature of such organizations. What was not readily apparent was how the seemingly divergent members could reach consensus in the committee's deliberations. Organizations such as the Massachusetts Sportsmen's Council organized labor, and utility companies, prior to their WSCAC membership, were often in opposition to the conservation minded environmentalists. The practical work involved to find common denominators of concern was a major factor in maintaining a focus and function on the committee.

It seemed likely that the representatives from the various watersheds would be vulnerable to infighting or negative competition. The representatives from each watershed area that was a potential diversion should be motivated to make other alternatives look better than their own. During the process of evaluating the different diversion possibilities there was an expected gathering of opponents to the project within a respective region. Besides

the ecological arguments, politicians and developers perceived a threat to their own growth potential if water was diverted away from the watershed. The impetus for involving all possibly affected watersheds came from within the WSCAC. The rationale was presented that if anyone of the watershed alternatives were developed, they were all vulnerable to exploitation.

Public Interests Beyond WSCAC

Each of these watershed areas produced newsletters and held informational meetings and workshops in their affected districts. The focus of these workshops and informational newsletters was directed to possible affects within the geographical limits of each watershed or aquifer. Topics covered ranged from environmental affects, constraints on local industry and growth, cost and needed development for the particular water source, and accountability for enforcement and monitoring of any diversion project.

Besides the dissemination and exchange of information, the regional meetings fostered more public involvement. What was once limited to the Connecticut River area (i.e. donors) versus the Eastern Massachusetts (i.e. MWRA) users, had been expanded to include communities within most of the State's large river basins, watersheds, and aquifers. Rather than

limiting the debate and dialogue to one diversion alternative versus another, the forum was expanded to encompass the broader questions of system management and growth.

Chapter IV

Effectiveness of WSCAC in Actualizing Principles of Public Participation

With the formation of the WSCAC , by the Executive Office of Environmental Affairs, there was a recognition by the State government of a need to broaden public participation in the Water Supply Study 2020. As the primary method to increase representation, a format for the WSCAC membership and its function was developed. The membership was designed to represent both Connecticut River Valley interests (donors) and Metropolitan Boston interests (users). The final approval for these members rested with the Secretary of EOEA, but with only one exception all nominations were accepted. There was a stipulation that the 35 members of WSCAC internally choose a five member executive board and an Executive Director. Within the guidelines of the EIR process, the WSCAC set its own agenda.

Responsiveness is partially achieved in the WSCAC by virtue of the increasing size and diversity of membership designations. Members filling the representative roles of specific organizations or interests accurately reflected those respective views. This was supported by the many written requests to the EOEA Secretary that WSCAC continue in its role as the CAC to be associated with MWRA water supply policy planning.

There have been concerns raised by Robert Ciolek, Boston Representative on the MWRA Board, Michael Gritzik, Executive Director of the MWRA, and staff persons for the Public Affairs Unit, that WSCAC has not adequately represented interests within the water supply area. These individuals complained that groups such as the Sierra Club, Save the Bay, and Save the Harbor, were not adequately represented on WSCAC, and that WSCAC's membership reflected a disproportionate anti-diversion or donor sentiment. When WSCAC staff contacted representatives of the three groups claimed to be under-represented, no such concerns were raised. The observation that WSCAC expressed reservations about diversion alternatives is correct, but there were never any guidelines stated for what views any WSCAC member or MWRA user representative should have before gaining membership. One position for a MWRA user has not been filled. Any of the three parties involved in the Memorandum of Understanding (i.e. MWRA, EOE, WSCAC) have the right to submit nomination to fill empty posts, but this has not been done. It is unclear why this position has not been filled for over one year. A representative from the Public Affairs Unit of MWRA, expressed "no knowledge of the vacancy of the MWRA position in WSCAC."¹

¹Eleanor Casey, Assistant Public Participation Coordinator for the Public Affairs Unit of the MWRA. Personal correspondence. May 8, 1987.

As mentioned in Chapter III, there were seemingly divergent views and perspectives included on WSCAC. The base for these views were state and region wide. This was expressed through numerous letters and public statements in regional and local meetings organized by WSCAC. Through the local and regional public meetings, newsletters, and press releases directed and produced by the WSCAC and its staff, this base of interest and support was further expanded. Public opinion was expressed and incorporated in this process and in turn, became part of governmental policy.

During the EIR assessment and review process of the Water Supply Study-2020, and significantly related to it, the Interbasin Transfer Act was passed by the Massachusetts State Legislature. This act stated that conservation and demand management should take priority over interbasin transfers. Arguments used by lobbyists were instrumental to the passage of this act concentrated on logic such as: "if legislators expressed opposition to the act, merely ask....do you want to take other people's water without making judicious use of your own?"² By lobbying this position, opponents of the bill were hard pressed to continue their fight. The passage of the act in effect made water conservation and demand management legally required public policy. Also, this was symbolic of the shift in the statewide political climate. The shift was

²Robie Hubley, personal interview., Feb. 18, 1987.

from a supply-side approach to more emphasis placed on demand management, enhancement and protection of user sources, and conservation techniques, consistent with the WSCAC policy position.

The MWRA enabling act of 1984 also includes stipulations that the Authority

"...identify and consider demand management and water consumption requirements and, wherever reasonable practicable, to implement such solutions in preference to solutions which would increase water withdrawals from any natural or artificial source of ground or surface waters."³

The MWRA enabling act, and the Interbasin Transfer Act are reflected in the "short term" or "immediate program" of the Water Supply Study-2020. From 1987-1990, MWRA member communities and the MWRA itself will put in place a series of conservation measures, local source protection, and demand management programs [appendix A]. The Executive Board of the MWRA, by deciding on this short term program before contemplating any of the diversion alternatives, was responding to the political pressure from pro management and antidiversion interests. There is considerable merit in the observation that the Executive Board was also stalling for time by making this decision. "Rightly or wrongly, public skepticism exists regarding the commitment of the MWRA to

³General Law, Chapter 372, Section 8-E. 1984. p 785.

aggressively implement the non-augmentation alternatives..."⁴ Much of the implementation of the short term program is voluntary, and the three year time period makes substantial compliance difficult. What if, at the end of this three year period, large amounts of time and money have been expended, but the results are more in line with the MWRA estimates than the WSCAC projections? Obviously, there will be renewed pressure for a diversion project to be undertaken. The EOEА Secretary has stated that if a diversion is considered, the entire EIR process will have to begin again.

Considering the formal documentation of the MWRA enabling act, the Interbasin Transfer Act, and the Short Term portion of the Water Supply Study, the ideas and values represented through WSCAC have become policy. This representative body definitely increased the number of interest groups involved in water supply planning. The major contribution of the Water Supply 2020 planning process was to connect the Eastern (i.e. user) communities and the Western (i.e. donor) communities in a more equitable manner. The public interest of Massachusetts citizens has been served well through the WSCAC.

The use of CAC's is designed to increase representation

⁴Carol C. Amick. Senate Chairperson of the Special Legislative Commission on Water Supply. Unpublished letter to Secretary James Hoyte of EOEА. Dec. 15, 1986. p. 1.

beyond the formal system of government. As a representative body it is open to the same criticisms as a legislative body. "Representative democracy has been criticized on issues of representative legitimation, the restricted scope of the views represented, the potential for power retention in a closed population spectrum, and the failure to adapt to changing interests and articulators."⁵ WSCAC adapted to these changing interests and helped guide public opinion. Through politicizing many of the issues, a direct link to the government bureaucracy was established. The result was that State water policy more accurately reflected the issues expressed through WSCAC's functioning and membership.

The present Secretary of Environmental Affairs, James Hoyte, has stipulated that the short term or "immediate" policy of the MWRA water supply is to have a Citizen Advisory Committee associated with the process. The existing WSCAC wishes to continue in this role and has written to the Secretary to express its concern.⁶ Documented support for the continuing role of WSCAC is extensive, ranging from regional planning councils, watershed associations, and government officials. At the same time, there is a great deal of political pressure from the MWRA to end WSCAC's role

⁵Michael Fagence. Citizen Participation in Planning. (Pergamon Press New York, 1977). p. 370.

⁶Robie Hubley, Alexandra Dawson, Eileen R. Simonson. Unpublished letter to James Hoyte, Secretary of Environmental Affairs. Dec. 12, 1986. pp. 1-2.

and form a new CAC more reflective of MWRA member communities needs. To heighten the tension a bit more, the funding for WSCAC is now being authorized on a monthly basis.

What has not been accomplished by the Water Supply Citizens Action Committee is the marshalling of the general public's opinion. The WSCAC is not recognized by the general populous as anything other than another governmental acronym. Without popular recognition, the connection between this organization and the many positive changes in water supply policy it has been responsible for may go unrealized and, to a degree, unprotected. The vulnerability of an ad hoc committee is increased when there is little recognition of its existence by the general public. If WSCAC is discontinued as the formal public participation CAC for the Long Range Water Supply Program, many of the interests expressed by this organization will be fragmented. The result could be that there will be a reversion to an "opposition role" by many of the WSCAC members. Such an event would be detrimental to the use of Massachusetts water resources and would not serve the public interest.

Appendix A

MWRA LONG RANGE WATER SUPPLY PROGRAM

Short Range Water Supply Policy, Decision Package 1

The following policy statements represent the first set of decisions of the Board of Directors of the Massachusetts Water Resources Authority (MWRA) with respect to the EIR, Long Range Water Supply Study-2020. This first decision package specifically deals with short range water supply issues which, in the opinion of the Board, require immediate and aggressive action on the part of the management and staff of the MWRA.

(1) The Board feels that an aggressive Leak Detection and Repair Program, both at the wholesale (MWRA) and retail (cities and towns) levels is of critical importance. Thus, the Board instructs the management and staff of the MWRA to proceed immediately with such a program, to determine one or more financing options both at the wholesale and retail levels, and to incorporate a technical assistance, education and information component as a major part of such a program.

(2) While the Board has reservations concerning the efficacy of the proposed Domestic Device Retrofit Program, the Board Authorizes the Executive Director to go forward with a pilot effort. The Board is to be periodically briefed with respect to the results of the pilot study and, based upon the objective results of the pilot effort, may or may not pursue a full scale domestic device retrofit program.

(3) As pointed out in the Long Range Water Supply Study (LRWSS), an important aspect of meeting future water supply needs is the identification, preservation and protection of existing and potential local sources of water supply. Thus, the Board instructs management and staff to develop a program to insure the identification and protection of viable local water sources. See also Decision Package 2, long range policy decisions.

(4) A program of education, information and technical assistance, designed to encourage voluntary conservation among the residential, commercial and industrial sectors of the MRWA service area (including the public sector, as well), is clearly required. The Board desires that the management and staff of the MWRA to continue and expand its current efforts in this regard, and to periodically furnish the Board with objective evidence of results of such a voluntary conservation program.

(5) The Board encourages efforts on behalf of the MWRA and MDC to conduct joint planning with respect to developing programs designed to improve watershed management over the Quabbin and Wachusett Watersheds consistent with the Watershed Management Alternative set forth in the LRWSS. The Board wishes to be periodically briefed on such efforts and to be assured that there exists a good and timely working relationship between the two public agencies.

(6) An analysis of probable impacts resulting from implementation of the new Federal Drinking Water Act is requested by the Board. The Board believes that such an analysis is important with respect to making both short and long term decisions regarding water supply options, and may serve as a major factor in choosing, rejecting or modifying such options.

(7) The on-going ~~separate~~ environmental impact report on the Sudbury Reservoir shall be completed in an expeditious manner and the Board expressly reserves judgement on this option until the completion of the report.

(8) The Board is encouraged by management's efforts to upgrade the MWRA's metering and monitoring program, and endorses this initiative as an important component of the water supply program. The Board specifically endorses the idea of designing and constructing a state of the art metering and monitoring capability and earmarks such a program as a high priority capital and operating budget project. The Board also wishes to receive a briefing from staff as to the status of its efforts in this area.

(9) Informed decisions by the Board and the management and staff of the MWRA presume the development of new and the enhancement of existing data bases with respect to current water usage, projected usage and key demographic information. The Board strongly encourages the Executive Director and the managers of the Engineering Div. to insure the timely accumulation and analysis of data to issues of supply and demand.

(10) The Board directs the Executive Director to conduct a detailed review of the existing MWRA Drought Management Program and to determine whether or not it is necessary to revise the program to insure that future drought conditions will cause minimal disturbance with respect to MWRA water delivery obligations. The Board also believes that an equivalent program must exist at the retail level as well, and instructs the Director to initiate a program of technical assistance to communities.

(11) The Board believes that some type of reasonably sophisticated "trigger" planning is needed which will include, at a minimum, a continuing analysis of population and demand projections and both short and long term supply projections.

(12) The required Swift River downstream releases should be reviewed and if modification of the interstate agreement could provide the MWRA service area with significant additional amounts of water, the Executive Director should request the assistance of the Governor and the state Attorney General in developing a joint effort to renegotiate the existing agreement.

(13) The Board firmly supports the establishment and use of "enterprise funds" for water and sewer operations by cities and towns. The Board also fully supports and encourages the adoption of conservation rates by cities and towns. The Board directs the management and staff to lend technical assistance to communities which desire to accomplish the above, and further instructs staff to research methods to bring about voluntary and/or enforced compliance with these goals.

(14) Consistent with the provisions of Section 8d of its Enabling Act, the Board reiterates the importance of action it has already taken with respect to "contract member" communities in its service area. The Board strongly believes that one result of its recent communication to contract communities will be water conservation and more realistic assumptions with regard to projected water demand for such communities. The Board encourages the Executive Director to reiterate its policy of insuring rigid water conservation criteria for its contract communities.

(15) The Board directs the management and staff to prepare briefing materials for the Board with respect to the issue of redundancy planning for the water supply delivery system, with particular emphasis on the relationship of this issue as either a separate matter or as an issue immutably linked to augmentation options.

(16) Based upon the evidence submitted to the Board, the Board believes it is important to establish a more reasonable and technically realistic definition of the concept of "safe yield". Thus, the Board directs the Executive Director and staff to initiate a joint effort with the Attorney General and the MDC that would result in a better definition being legislated and becoming a part of the Authority's Enabling Act.

(17) The Board directs the staff to develop a policy which maintains active citizen involvement in future deliberations on water supply issues, funded in a manner appropriate with this new phase of the effort.

(18) The Board of Directors requests a report within 90 days, from the Executive Director, which sets forth details involving budget, staffing and organization issues arising from the policy decisions contained in this document. The Executive Director is also requested to provide the Board with a planning document which describes critical dates inherent to these policy decisions.

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