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Ronald B. Robie

THE STATE DEPARTMENT OF WATER RESOURCES 1975-1983

With Introductions by
William E. Warne
Ruben S. Ayala
Gerald Meral

Interview Conducted by
Malca Chall
in 1988

Underwritten by the Water Resources Center, University of California

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RONALD B. ROBIE
ca. 1980

Cataloging Information

ROBIE, Ronald B. (b. 1937) Director, California Department of Water Resources

The California State Department of Water Resources, 1975-1983, 1989, xi, 97 pp.

Staff, California Assembly Committee on Water, 1960-1969; State Water Resources Control Board membership, 1969-1975; director, Department of Water Resources, 1975-1983: staffing, setting policy, securing independent power source for State Water Project; drought; strike of operation and maintenance employees; discusses water quality, supply, rights, conservation; Peripheral Canal legislation and election campaign; Governor Edmund G. Brown, Jr.

Introductions by William E. Warne, director, Department of Water Resources, 1961-1967; State Senator Ruben S. Ayala, chairman, Senate Committee on Agriculture and Water Resources; and Gerald Meral, deputy director, Department of Water Resources, 1975-1983.

Interviewed 1988 by Malca Chall, the Regional Oral History Office, The Bancroft Library, University of California, Berkeley.

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PREFACE


The Water Resources Center of the University of California, in 1965, established a History of California Water Resources Development Oral History Series, to be carried out by the oral history offices at the Los Angeles and Berkeley campuses. The basic purpose of the program was "to document historical developments in California's water resources by means of tape recorded interviews with people who have played a prominent role in this field." The concern of those who drafted the program was that while the published material on California water resources described engineering and economic aspects of specific water projects, little dealt with concepts, evolution of plans, and relationships between and among the various interested federal, state, and local agencies.

To bridge this information gap, the Water Resources Center, during the past quarter century under the successive direction of Professors Arthur F. Pillsbury, J. Herbert Snyder, and Henry Vaux, Jr., has provided funding in full or in part for interviews with men who have been observers and participants in significant aspects of water resources development. Early advisors to the

project on the Berkeley campus were Professors J. W. Johnson and David K. Todd. Gerald Giefer, librarian of the Water Resources Center Archives, Berkeley, has maintained an important advisory role in the project.

Interviewees in the Berkeley series have been pioneers in western water irrigation, in the planning and development of the Central Valley and California State Water Projects, in the administration of the Department of Water Resources, and in the pioneering work of the field of sanitary engineering. Some have been active in the formation of the San Francisco Bay Conservation and Development Commission; others have developed seminal theories on soil erosion and soil science. But in all cases, these people have been deeply concerned with water resources in California.

Their oral histories provide unique background into the history of water resources development and are valuable assets to students interested in understanding the past and in developing theories for future use of this essential, controversial, and threatened commodity--water.


Henry J. Vaux, Jr., Director
Water Resources Center

3 October 1989
Rubidoux Hall
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Riverside, CA 92521

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UNIVERSITY OF CALIFORNIA AT BERKELEY

The following interviews have been funded in whole or in part by
The Water Resources Center, University of California

Banks, Harvey (b. 1910)

California Water Project, 1955-1961. 1967 82 pp.

Gianelli, William R. (b. 1919)

The California State Department of Water Resources, 1967-1973.
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Origins and Early Years of the Bureau of Sanitary Engineering.
1971, 39 pp.

Harding, Sidney T. (1883-1969)

A Life in Western Water Development. 1967, 524 pp.

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Soil Scientist, Teacher, and Scholar. 1989, 364 pp.

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Teaching, Research, and Consultation in Water Purification and Sewage
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1982, 81 pp.

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The California State Department of Water Resources, 1975-1983.
1989, 97 pp.

The San Francisco Bay Conservation and Development Commission, 1964-1973.

Interviews with Joseph E. Bodovitz, Melvin Lane, and E. Clement Shute.
1986, 98 pp.

For other California water-related interviews see California Water Resources
list.

INTRODUCTION by William E. Warne

Ronald B. Robie did a fine job in all three posts in the state government at which I was in a position to observe his performance: staff consultant to Assemblyman Carley V. Porter, chair of the Water Committee, member of the Water Resources Control Board during its early and formative period, and director of the Department of Water Resources, a post that he held for eight years, a longer tenure than that of any of the five of the rest of us who have served in that key position.

I first met Ronald B. Robie, as I remember it, in the office of Chair Carley Porter at about the time that I became director of Water Resources in January 1961. I previously had known Carley, who also was a member of the Assembly Fish and Game Committee to which I reported in 1959 as director of the Department of Fish and Game, but I do not think that I knew Ron until after I moved through the Department of Agriculture to Water Resources.

I sized up Ron, a fresh-faced young man, as intelligent and eager; one who was careful to keep his boss up front; quiet, soft-spoken and somewhat self-effacing, but not lacking in self-confidence. I soon found that Ron and I had similar backgrounds. We both graduated from UC Berkeley, though in different eras, and we both had journalistic training in college. He was going to night school studying law at McGeorge, so his degree in journalism was not going to be used extensively in his career. I had put mine aside after about eight years of newspapering, pursuing a career in water resources development in the federal and state governments.

Now, in looking back on the more-than-twenty-five years that we have been friends, I see that Ron and I have had some other experiences in common. Ron Robie and I are the only Democrats (at least by public party identification) among the six who have served as directors of Water Resources since the post was established in 1956. I served under Governor Edmund G. Brown, and he under Edmund G. Brown, Jr. Ron Robie and I also are the only directors among the six who were not engineers.

Ronald B. Robie was an effective operator while he was the principal staff person for the late Carley Porter. In going between Carley and the water community, in which the chairman was a towering figure, and between Carley and other members of the legislature, in which Chair Porter was a respected and powerful leader, Ron was adept at facilitating Carley's legislative objectives. My departmental staff worked with Ron, but usually my contacts were directly with the chair, though frequently Ron was a quiet presence at our meetings.

I discussed the outlines of a bill that many months later became the Porter-Cologne Act with Carley Porter while I was director. I have always given credit to Ron Robie for perfecting that legislation for Carley. He

also created the Water Resources Control Board early in the Reagan administration, but after I had left the state government. Ron, however, typical of a good staffer, to this day denigrates his part in the successful enactment of this landmark bill, which stands with the Burns-Porter Act, funding the State Water Project, at the pinnacle of Mr. Porter's many legislative achievements.

When the Water Resources Control Board began functioning, shortly before Carley Porter's untimely death while on an official trip to Washington, D. C., Robie became a member of the board. He was its most influential member. Environmentalism was on the rise, and its emergence as an influence on water resources development and the construction of the State Water Project, the initial features of which were then still unfinished, was troublesome and aggravating to William G. (Bill) Gianelli, who had succeeded me as director of Water Resources with the advent of the Reagan administration. Robie sought compromise, and avenues of cooperation. Gianelli saw the movement as "Chicken Little." Robie saw it as a movement whose time had come, one that had to be reckoned with. These differing points of view caused tensions between their holders, tensions that were not released after Robie became director of Water Resources, succeeding John Teerink, who finished the last two years of Gianelli's term. When Jerry Brown was elected governor, he moved Robie from the board to the Department of Water Resources as director.

Many in the water community were skeptical of Robie's appointment, but I viewed it as a very good one. I thought that Ron would be able to bring the environmental movement into harmony with the objectives of the water resources development advocates and enable the department to complete the State Water Project, which Gianelli had not been able to do.

Ron at once set up an informal advisory council, of which Gianelli and I were members together with Tom Graff and others who were leaders in the environmental movement. Ron brought key members of his new staff to the meetings of the council. At the time, I thought the purpose was to educate the staff and Robie, himself, regarding key problems confronting the department and the State Water Project. I found that these meetings, which were held about once a month, were effective in bringing factions closer together. After a time, several months, Bill Gianelli began widening a breach between himself and Robie. The issues were complex, but seemed to revolve about the Peripheral Canal, which Bill had postponed and never succeeded in getting Governor Reagan to endorse. I thought that Ron was bringing the group together on a pattern that might gain the approval of the Jerry Brown administration for the construction of the Peripheral Canal. Gianelli quit coming to the meetings, and after the passage of a few more months, the meetings were abandoned. I thought that this was appropriate, since it was clear to me by that time that Ron Robie had full command of the department and knew what he wanted to do with the State Water Project. He no longer needed the group's advice, and the council had served its purpose, so far as it could be expected to do, of bringing factions to a common understanding of water development problems.

Ron Robie did eventually gain the support of Jerry Brown for Senator Ayala's SB 346, and later SB 200, calling for construction of the Peripheral Canal, which was then recognized by the State Water Contractors as the next logical step in completion of the SWP--the essential first step beyond the initial facilities that I had started under the Burns-Porter Act, and which had been completed by Gianelli. SB 200 was defeated in the referendum election June 8, 1982, at the conclusion of a bitter north-south contest. Opposition was marshalled by certain environmental groups, who were financed in major part by renegade agricultural interests in the San Joaquin Valley, which, I believe, had as their principal objective the defeat of a constitutional amendment tying up north coastal rivers for conservation purposes and strengthening the state's Area of Origin commitment. The amendment had a self-destruct provision in it, which was to be triggered by the failure of SB 200 to become effective. I considered the referendum's success to have been a Pyrrhic victory for the environmental advocates, who seemed to me to have lost more with the defeat of the amendment than they gained by stymying the canal.

The outcome of the election was a great disappointment to Ron Robie. The water community surlily blamed Jerry Brown for what it characterized as too little support, too late. The failure, however, was not the governor's, nor Robie's. It might better have been laid on southern California water leaders, who were unable regionally to rally large majorities to support the canal. Voting was conspicuously light in southern counties on election day. Supporters of the canal were overwhelmed by large turn-outs in the north, where opposition votes were in the 90 percent range. The result served to polarize the north-south division on water issues, a polarization that is still very much in evidence in 1989.

Inadequate note has been taken of an outstanding achievement of Ron Robie's directorship. He carried through a program of developing the power for the State Water Project necessary to make the project self-sufficient. The gigantic pumps necessary to move water over mountains through the 444-mile aqueduct system require energy in amounts that would tax the capabilities of any existing electric utility, including the Pacific Gas & Electric Company, the nation's largest. I had negotiated a power supply contract in which all four of California's large utilities participated, with a fifteen-year term and a window through which the state might insert its own generators to supply the project's pumps. Except for the hydropower generated at the Oroville Dam complex, one-half the recovered energy at the San Luis off-stream reservoir, and power recovery plants at drops in the Governor Edmund G. Brown California Aqueduct, nothing more was done to supply the project's power independently until Robie became director. I had made an unsuccessful attempt to build a seed-and-blanket nuclear generator in cooperation with Admiral H. G. Rickover and the support of Governor Pat Brown, but when Rickover found his technology unready for application on the schedule adopted for execution of our federal-state cooperative venture, the plan was dropped in 1965, too late for the development of an alternative during my tenure.

Ron Robie, however, with the full support of Governor Jerry Brown, set about putting the SWP on an energy self-sustaining basis. He succeeded in withdrawing the Oroville power for SWP use; gaining wheeling agreements with the utilities for it and the power generated at the state's power drops on the aqueduct; in building a hydro plant at the federal Pine Flat Dam; in constructing geothermal facilities in The Geysers; and he bought into a giant coal-fired generating facility in Nevada. This program has saved the water service contractors tens of millions of dollars annually. The SWP so far is using only half of the capacity of its pumps at the Tehachapi crossing, because the SWP diversions from the Delta are limited and additional upstream conservation facilities have not been provided. Some critics have contended that Robie overbuilt the power facilities for the project, which then was expected to increase its diversions more rapidly than in fact it has. The project water users, however, are benefitting, and their water needs continue to grow. The additional facilities may be built in time; they are needed today. The energy will then be available for the pumps to deliver more water as the water service contracts planned that they should.

The coalition of water users and conservation interests that Ron put together, however briefly it was held in place, represented an important achievement in governance of California's vital water resources. It stands as a challenge before his successors.

Since Ron Robie has become a judge, his attention has been turned away from the water issues and controversies that continue to excite the water resources community. He is absorbed in his work on the bench, and is seen only infrequently at water conferences. The water community is poorer because of this, for Robie's quick intelligence and grasp of trends that affect water resources development in California continue to be needed.

In dynamic California, new problems outdate old solutions seemingly every decade. Ron Robie's directorship of the California Department of Water Resources was the fulcrum on which the state's water resources programs tipped toward environmental protection and away from development as their dominant consideration. Ron Robie had the valuable background as a staffer in the assembly where he supported and studied under one of this century's most effective legislators in the field of water and related resources development. As a member of the Water Resources Control Board, which was a fledgling at the time, his breadth of knowledge of the water rights and water quality interfaces made him especially effective in setting the course of the agency, which has steadily increased in power and stature. His experience made him the right man in the right place when the governor placed him at the head of the Department of Water Resources.

William E. Warne, Director,
Department of Water Resources,
1961-1967

INTRODUCTION by Senator Ruben S. Ayala

I first met Ron Robie in early 1977 when I introduced three pieces of legislation to complete the State Water Project. Ron was then the director of the Department of Water Resources. Prior to that he had been vice chairman of the State Water Resources Control Board and principal consultant to the Assembly Water Committee. He was a great appointee--and a credit to any administration.

The centerpiece of my legislative effort during the 1977-78 legislative session was SB 346. SB 346 identified the Peripheral Canal as the Delta Facility feature of the State Water Project. That measure cleared both the senate and the assembly. The senate chose not to concur in either the assembly amendments or the Conference Committee report on the measure.

SB 346's life history can be written in the above three sentences. Yet, for those sentences to be written, several men, of which Ron was the principal one, devoted hundreds and hundreds of hours to negotiation and discussion on the measure. It was Ron who forged the consensus between water interests, agricultural interests, and environmental organizations. His efforts on behalf of the millions of people within our state were, without doubt, magnificent.

During the 1979-80 session of the legislature, I introduced SB 200 with the same objectives as SB 346--identify the Delta Facility in law, and get on with completing the State Water Project. Again Robie forged the compromise. Ron and I had gotten a lot smarter over the past two years. We laid out both the tactics and process that would place the measure on the governor's desk.

With Ron Robie defending the administration's compromise with great ability, SB 200 cleared the Senate Committee on Agriculture and Water Resources six to five.

The next step in the process was the Senate Finance Committee. With Robie spending untold hours before that committee, the measure was rejected initially. Reconsideration was granted. Finally, after months of effort, SB 200 cleared the second time around. It then cleared the floor of the senate with relative ease.

At this stage of the legislative process, with Robie spending myriads of hours before committee, it was decided to go for broke and gamble we could take the measure through the assembly unamended. We did not wish to fall into the same trap as the past session and lose the measure on concurrence.

SB 200 did clear the Assembly Water Committee, the Assembly Ways and Means Committee, and the floor of the assembly without change. Governor Brown did sign it. Giant agribusiness, concerned over the high level of San Francisco Bay protection in the measure, funded a referendum on the measure. The referendum was successful. Back to square one.

The voice of the electorate is supreme in a democracy. There are always outstanding men on both sides of major issues. Ron stood above them all. Ron is now a superior court judge. A judge I would have voted for if the opportunity had presented itself.

Since 1980, no administration has been able to forge the political coalitions of support necessary to proceed. Ron Robie did--not once, but twice. Most likely, no such compromise will recur for many years.

We can all posture. We can all criticize. The question that must be asked is: can we produce when called upon? Do we have that inner vitality--that inner drive--that desire to achieve? I can say with no qualifications, Ron Robie possesses those attributes. I wish him nothing but the best in his future endeavors.

Senator Ruben S. Ayala, Chairman
Senate Committee on Agriculture
and Water Resources

3 May 1989
Sacramento, California

INTRODUCTION by Gerald G. Meral

Ron Robie is a pivotal figure in the history of California water quality and development. He is a transitional figure: he worked for one of the "fathers" of the State Water Project (Carley Porter), and wrote California's first modern water quality act (Porter-Cologne Act), and tried to move the Department of Water Resources from a water development to a water management philosophy.

Like many transitional figures, his water career has been controversial, and his efforts to move in the triple directions of water development, water quality improvement, and water conservation and management sometimes seemed to please none of the competing factions in California water. Yet we can easily see today that the efforts he made in the 1960s and 1970s are being justified as we approach the 1990s.

As the consultant to the Assembly Water Committee he gained the confidence of the water development community, since he worked for Assemblyman Carley Porter, one of the key figures in the history of the State Water Project. But the era of the late 1960s was one of increasing awareness of environmental problems, and the direction of water management was towards improving quality. Robie succeeded in drafting and helping to pass the Porter-Cologne water quality act, and still was able to maintain the confidence of the powerful water development community.

As a result, he was appointed to the State Water Resources Control Board by Governor Reagan. But despite the support of the water developers, it was apparent that he was more than sympathetic to the concerns of conservationists who wished to preserve the fisheries and recreational values of California's water resources. In a major shock to his water development supporters, he developed water rights decision D-1400 which provided protection to the Lower American River from diversion by the Bureau of Reclamation.

But this was simply an extension of existing state policy: provide some environmental amenities while still moving forward on water development. A bigger shock to the developers was D-1422, which ordered that the New Melones Dam (a \$300,000,000 Corps of Engineers project on the Stanislaus River) not be filled in order to protect the river environment. Similarly, D-1379, an earlier decision dealing with the effects of water development in the Delta, appeared to the developers to come down clearly on the side of protecting the environment at the expense of water development.

The election of Jerry Brown as governor resulted in Robie's appointment as director of Water Resources, a position which had been held only by the most enthusiastic of water developers. His appointment was not opposed by the water development community, in part because of their obvious inability to stop it, and also because he still showed some obvious sympathy with their cause.

But his credibility with the conservation community became apparent when the Sierra Club and Planning and Conservation League were willing to support the Peripheral Canal as part of a package of protection for the Bay and Delta, as well as continued development of the State Water Project. This package marked a transition point in the history of California water development. It included massive new dams and canals, but also made it possible that those facilities would be used largely to protect the fisheries of the Bay and Delta.

The package reflected Robie's own career in water: development coupled with environmental protection. Its ultimate rejection by the voters was a result of the not entirely unjustified paranoia by northern California of the results of continued water development. Since the rejection of that package in 1982, nothing substantial has happened to either continue water development or protect the aquatic environment.

Ron Robie brought two important assets to his work: incredible energy and incisive intelligence. He was willing to try everything: instream water protection, water conservation, huge water projects, and creative management techniques. If he had a failing, it was not moving quickly enough with the times. But considering the wrenching changes he brought to the Department of Water Resources and the water community in general, that was hardly their complaint.

The current lack of progress in either protecting the Bay and Delta, or in meeting the needs of the State Water Project may yet bring the time when even his old water industry opponents yearn for someone like him to start moving forward again.

Gerald H. Meral, Deputy Director
Department of Water Resources,
1975-1983

11 June 1989
Sacramento, California

INTERVIEW HISTORY

Until Superior Court Judge Ronald B. Robie was appointed to the Sacramento Municipal Court by outgoing Governor Jerry Brown in January 1983, his entire career (1960-1983) had been devoted to California water policy. From 1960-1969 he served as staff director to the Assembly Committee on Water. Its chairman, Carley Porter, whose name became synonymous with water policy, is remembered for many landmark water bills, particularly the Burns-Porter/State Water Project Act (1959), the Porter-Cologne Water Quality Act (1969), and the State Water Resources Control Board Act (1967), the latter two largely drafted by Robie.

Attending McGeorge School of Law at night, Robie earned a law degree in 1967, and in 1969 Governor Ronald Reagan appointed him the lawyer member of the Water Resources Control Board. During the five years Robie served on that precedent-setting board, it handed down a number of major and controversial decisions affecting the San Francisco Bay Delta, the New Melones Dam, and the American River, decisions which still affect the trend of water related development in California.

When Jerry Brown was elected governor in 1974, the search was on for a director of the Department of Water Resources. Robie, stimulated by his work on the Water Resources Control Board, was not interested in the director's post, only concerned that the incoming director support the board. But when offered the directorship he considered briefly and decided, "Hmm, maybe so," and accepted.

Ron Robie's eight years as director of the Department of Water Resources (1975-1983) are the focus of this oral history. He discusses his view of his mandate as director, his relationships with his staff, with the legislature, with the California Water Commission, the Water Resources Control Board, with Governor Jerry Brown, with representatives of the federal government, with the courts, and with conservation, water, and agricultural interests.

As director he was confronted with the usual water department issues: completion of the State Water Project, irrigation, drainage, groundwater recharge, water rights, waste water reclamation, financing the department and the SWP, meeting with congressmen in Washington, litigation, pesticide control, and outside speaking engagements. To those were added the unexpected problems like the 1976-1977 drought, and the eleven-day strike of operation and maintenance employees.

To each of these concerns he combined careful scrutiny with his own sense of mission. With respect to the State Water Project he succeeded in putting electrical power requirements on a self-sustaining basis, but he was unsuccessful in reaching his goal to complete the project by way of the Peripheral Canal. He pushed an integrated water management policy, directing the Department of Water Resources to consider conservation and water quality along with development in the management of water

resources. Experience helped him realize that conservation, while not as simple a solution as it was thought to be, remains the best hope for helping to meet future water needs. The water management concepts he promoted are today in the forefront in the development of water policies.

The four-hour interview session was held on Friday, October 18, 1988, in the courtroom of Department 27, an annex of the Sacramento Superior Court. Previously, Robie had culled details of his eight years as director from his reports to the California Water Commission, arranging them by topics so that he was thoroughly prepared to discuss all items on either his agenda or mine. Characteristically, he spoke clearly, articulately, and rapidly, and was able, thereby, to cover in four hours what the average speaker can manage in five. He clarified a few passages while reviewing his lightly edited transcript; otherwise it remains substantially as recorded. At noon, half-way through the session, I was invited to share a potluck lunch with a lively group of annex judges and their staffs bidding farewell to one of their colleagues preparing to take a few months' paternity leave.

Robie chose William E. Warne, former director of the Department of Water Resources (1961-1967), State Senator Ruben Ayala, chairman of the Senate Committee on Agriculture and Water Resources, and Gerald Meral, deputy director of the Department of Water Resources during Robie's term as director, to write introductions to his oral history. Highly informative individually, collectively they offer a well-rounded analysis of Robie's background, his vision as director of the Department of Water Resources, and the legacy of his direction during those trend-setting eight years. They enrich the oral history which, itself, adds another resource to California's steadily growing water history.

This interview was underwritten by a grant from the Water Resources Center, University of California at Riverside. Since 1964 the Center has provided funds to the Regional Oral History Office for water-related oral history projects.

Malca Chall, Senior Editor
Water Resources and Land Use
Planning

27 June 1989
Regional Oral History Office
Berkeley, California

BIOGRAPHICAL INFORMATION

(Please write clearly. Use black ink.)

Your full name RONALD BOYD ROBIE
Date of birth 3-13-37 Birthplace Oakland, Ca
Father's full name Bernard Myron ROBIE
Occupation Clerk Birthplace Calaveras Co, Ca
Mother's full name Charlotte Boyd ROBIE
Occupation Legal Secy Birthplace Mass.
Your spouse Lynn ROBIE
Your children Todd, (1961) Melissa (1968)

Where did you grow up? Oakland
Present community Sacramento
Education Fremont High School, Oakland (1954)
UC Berkeley (AB 58, M 60) McGeorge College of
Law, University of Pacific (JD 67)
Occupation(s) (over)

Areas of expertise Water + Environmental Law

Other interests or activities Adjunct Professor, McGeorge
School of Law - 1970 - present

Organizations in which you are active Nat Multisple Sciences
Society

Consultant, Calif Legislature
60-69

Member State Water Resource Control
Board 69-75

Director DWR 75-83

Judge Municipal Court 83-86

Judge Superior Court 86-

I BACKGROUND IN WATER MATTERS LEADING TO APPOINTMENT AS
DIRECTOR OF DEPARTMENT OF WATER RESOURCES

[Date of interview: 28 October 1988]##

Chall: We're going to start right from the beginning, with your appointment as the director [Department of Water Resources]. At the time that Jerry [Edmund G., Jr.] Brown was running for office, had you been working on his campaign at all? Were you interested in him as governor?

Robie: I didn't work on his campaign, but I was interested in him as governor. My connection with him was through Tom Quinn, who was a friend of Dave Epstein, who had been my intern years before when I worked for the assembly. The only contact I had with the governor during the campaign was when he called me during the summer at home and asked me about the New Melones [dam] situation. Since I had been on the water board--I was on the water board [Water Resources Control Board], I responded to him at great length on the phone, and told him that I was going to Europe for five weeks later in the summer and that I wouldn't be around. I did go to Europe, and he called while I was gone. My aunt was staying at my house, and he was very upset that I was gone. Years later he told me I let him down during the summer when I wasn't there. [laughter]

Chall What did he want? Do you have any idea?

Robie: I don't remember the conversation, but I can remember I was working in the yard when he called. He was trying to formulate a position on New Melones is why he called, which was a big issue during the election. I think it was mainly the environmental groups who had his ear who got me appointed, along with Tom Quinn.

Chall: After he'd been elected you didn't make some kind of application or nose it around that you were interested?

##This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes, see page 89.

Concern about Directions of the Department of Water Resources

Robie: What happened was that I was really concerned about what would be the direction of the Department of Water Resources. Because during the time I was on the water board and we issued the major decisions, like the Delta Decision 1379 and the new American River Decision 1400--some very significant, and you could call them environmentally-oriented decisions--Director [William] Gianelli got very upset and really took on the board. He had a close relationship with Win Adams, the chairman of the board.

I felt that the department and the board should really be independent and the department should be more supportive of the board, in the sense that they were both obeying the same law in theory. I was very concerned about who would lead the department, because I wanted it to be more responsive; the board sort of had to beat on the department to get it to do things.

The State Water Resources Control Board: Water Quality

Chall: The board was taking the lead then? Well, it was supposed to, in terms of quality control.

Robie: My situation with the board--it's interesting, I recently wrote this article about the board, which I'll give you.* I was with the legislature [consultant with Assembly Water Committee] when the board was created, and it was my idea to create the board. So I wrote this bill [AB 163], which came out as a staff report originally. I worked for Assemblyman [Carley] Porter, and Mr. Porter was worried that the idea might not fly, so he asked me to write a staff report. So I wrote a staff report which came out and basically trial-ballooned the idea of combining the Water Quality Board and the Water Rights board. And it flew, and it passed in 1967.**

*Ronald B. Robie, "The Delta Decisions--the Quiet Revolution in California Water Rights," Pacific Law Journal (Vol. 19, No. 4, July 1988): 111-142.

**See interview with Paul R. Bonderson,, "Executive Officer, Regional and State Water Quality Control Boards, 1950-1966," in California Water Issues, 1950-1966, an oral history interview conducted 1980, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1981, pp. 55-61.

Robie: The motivation for that--which is discussed in this article--was because the water quality in the Delta had not been adequately treated by the Water Rights Board. The Water Rights Board was sort of in bed, in effect, with the water agencies, and it had never considered the Bureau of Reclamation and the department's permits in the same proceeding. So it was a shell game: by not getting the two together you could never force the two to cooperate on things.

The background was that the creation of the water board was primarily to remedy problems of water quality and water rights in the Delta. I became a member of the water board in '69, barely two years after it was organized. During that time [1967-1969] the Porter-Cologne Act had passed. After the board had been created I then decided that we needed a new law to really improve our water quality program. Because the legislature really couldn't do something as monumental as revising the law, Mr. Porter wrote a letter to the water board and said, "We suggest that you set up a panel of experts to revise the law."

The board, being brand new and enthusiastic, and wanting to do something exciting, set up the study project. My idea was that you had to co-opt anybody who didn't want changes by bringing them in, so they appointed very prominent people as the heads of the five study groups: Harvey Banks was the head of one; Jerry Gilbert was the head of another; Bert Gindler, who was deputy attorney general for a long time on the Colorado River, was another one. It was a very prominent panel. They met, and analyzed portions of the Water Quality Act for about two years and revised them totally. I participated in all of these panels and was behind the scenes.

The report went to the water board and it went to the legislature, and it [Porter-Cologne Act, AB 413] passed unanimously.

Chall: Passed the legislature unanimously?

Robie: Yes. I was very proud of that, because I felt somewhat responsible. I had a wonderful boss, and Mr. [Gordon] Cologne was a great senator. The two of them had great legislative abilities, but I felt that my job was to grease the skids for his [Mr. Porter's] bills. My role as a staff member was to make sure my boss's bills didn't get him in trouble, and the bigger the vote the better.

The study panel really co-opted a lot of people, and it came up with what was at the time the toughest water quality act in the country, and I still think it is. But it had some specific provisions in it to go after water projects, too.

Robie: The Porter-Cologne Act passed in 1969, right before EPA [Environmental Protection Agency] was created in 1970, right before the Federal Water Pollution Control Act in 1972, right before the Clean Air Act in 1970, a few months before the National Environmental Policy Act. So the context of the Porter-Cologne Act was really something. We had come a long way in the ten years up to 1970, because the Water Quality Act had been really in the doldrums. There were several efforts in the mid-sixties to improve it. It was finally felt that the only way to do it because of industry opposition was to just go whole hog and do the whole Act over.

There were a couple of compromises made at the time. It was interesting; we picked basically the things that the main opponents wanted, and we decided that many of them didn't make any difference and granted them.

Chall: Like what?

Robie: For example, one provision of the Water Quality Act historically had been that the boards couldn't tell you how to treat your waste. In other words, they had to tell you the quality that came out the end of the pipe; the boards couldn't tell you that you had to put the following patented IBM gadget on your waste. The industries were just paranoid about telling them what to do. They had no problem, really, with your telling them that they couldn't put bad stuff out, but they didn't want you tinkering with them; it was sort of proprietary. It was just obsessive. So they left it in the law.

A lot of environmentalists thought this was a sellout. But it turned out that it didn't make any difference--I mean, as long as you've got them at the end of the pipe. Then, of course, the federal law came through and specified techniques, so it wiped out all the industry objections and made the whole issue moot.

There were some issues like that which were really helpful in getting the unanimity. So the bill passed, and everybody loved it. And it had in it a lot of seeds of some really good regulation.

Anyway, coming out of that I then went onto the water board and started using the new law. I got slightly diverted from water rights, even though we did the Delta decision and the American River decision. But then we got involved in developing the Federal Water Pollution Control Act. I didn't write it, but I participated with the staff of the [United States] Senate committee and gave them advice and suggestions, along with other people from California.

Robie: Leading up to '74, when I was finishing my term at the water board, I was really excited about the potential for water quality, water rights, the new laws, and the board which had been well received. It was in Governor [Ronald] Reagan's administration that the water board was well received in the environmental community. I was really excited about the next step, which was Governor Brown's administration moving in a positive direction.

This is a very long answer to your question. But I was very interested in getting a good director. I didn't have any initial thoughts of being the director. I had passed the bar in 1967; in '69 when I was appointed to the water board I was the lawyer member, and I was happy with the thought that I was working as a lawyer. I enjoyed the lawyer part of being on the water board. We tried to make its decisions look more like court opinions because we wanted to be more judicial. So I wasn't that excited about being an administrator, and I really wasn't too excited about water projects, although I knew the stakes were real high in making sure the water projects were well done.

The Appointment as Director

Tom Graff of the Environmental Defense Fund was the governor's liaison. Governor Brown had about five liaison people from different areas who were responsible for setting up his new administration. Graff was a good friend of mine, and he was the environmental liaison. I had a number of talks with him. He'd call up and say, "Who do you want as director?" I kept saying how important it was to have a good guy there. We actually talked about Dave Kennedy, who is now the director, and we talked about others. Tom at some point said, "How about you?" I thought, hmmm, maybe so. I don't know what went on in my head, but I finally said yes. It went through rather quickly, actually, and I was appointed in the first week of March. That was only two months into the administration; I was one of the first directors appointed.

Chall: Did that have to sift through Claire Dedrick or any other people? Had they already been appointed?

Robie: Yes. Claire Dedrick and the secretaries, as I recall, were all appointed before the administration took office. Claire was sort of a surprise, in the sense that none of us knew her. She was active in the Sierra Club, but never was in the water area. Most of the Bay Area people knew Claire, but the environmental people that I dealt with didn't know her. She turned out to be a very fine person and always very supportive of me.

Chall: You didn't have to be screened through her?

Robie: She supported me. I can't even recall the circumstances, but I know I did have a couple of meetings with the governor, including one when he kept me from going to Denver to a meeting that I was going to.

I was appointed early, and I don't think there were any other serious candidates.

Governor Jerry Brown's First Years in Office

Chall: How about Governor Brown? What were his concerns, or did he have any at that time? Did he want you to do anything during your term, or not do something? Did he have any program or policy?

Robie: Governor Brown offered it in an unusual way, for me. I had been around and seen at least Governor Reagan and Governor Pat [Edmund G., Sr.] Brown, to some extent. They tended to have general policies, and then their departments produced specific things to do. Jerry Brown really didn't say much specific in his campaign, and he came in with a very strong environmental bent. I mean, putting Claire Dedrick, who was the vice-president of the Sierra Club, in charge of the Resources Agency as its secretary, and having Tom Graff of the EDF [Environmental Defense Fund] be his liaison, sent a very strong message. Of course, Claire later had problems with the timber industry. It was sort of pouring oil on the fire.

The governor started out, I think, basically with a feeling that he wanted to shock the establishment. I think the one thing that struck me about Governor Brown was that he sounded, before he was elected, as one who was totally independent of interest groups (he had been the Proposition 9 person), and he was coming in without a mandate to follow any particular interest group--at least any of the groups that had been historically identified.* Actually, during the first years of his administration he thumbed his nose at everybody. That's one reason why he got into trouble. Interest groups would want to see him and lobby him on bills and he wouldn't even talk to them.

And the water industry didn't get anywhere with him. The late Ralph Brody, who was one of the closest people to Governor

*Proposition 9, the political reform initiative, on the June 1974 ballot.

Robie: Pat Brown--Jerry Brown wouldn't even give him a private meeting to talk about water. In fact, Governor Jerry Brown made him sit in the waiting room with Berge Bulbulian from the National Land for People before he got to go in. Then when he had a meeting with Ralph Brody, he brought me into the meeting and Brody was there primarily to complain about me.

So Jerry Brown was really independent, and during the first couple of years of his administration he really energized me, because I had always felt that interests had too much power. The problem was that the governor gradually didn't have any friends. It was really a negative thing.

But getting back to your original question, the governor was really his own person. He didn't come in with an agenda of all the people who had helped get him elected who could then call him up and say, "Now do my thing." During the first six months it was very loose; we didn't get any instructions at all. His initial policy was that he had to have his hands on every decision made in government. One example, the very first thing that came up of controversy that I had to review with him, was the list of federal water projects that the California Water Commission went back to Washington to support.

The California Water Commission

Robie: The way it worked was that the department always made its recommendations to the commission. They had had this wonderful system in which the water commission executive officer would go and meet with the corps [of engineers] and the Bureau of Reclamation privately. Neither one of them were authorized to tell the water commission what their budgets included, but they would informally tell them. And the water commission staff would come back and put down the proposals that the federal agencies would want. In other words, it was part of the cynical system of water project funding that the federal government engaged in.

The president's budget was sacrosanct; no executive could tell what the president was going to do. But because the main objective of the federal agencies was to develop sufficient support for their own budgets, they went out and leaked it to all the people locally so they were all prepared to lobby.

They would come up with all these proposals, and there would be controversial things such as New Melones and the San Felipe project. My question was: am I going to go to the water commission with the department's recommendations in favor of all

Robie: these projects? The previous administration had supported them all. Dan Frost, for example, was a member of the water commission, who was appointed by--I'm not sure, but I think he was originally appointed by Governor Reagan and opposed the projects. Anyway, there were people who were on the water commission who didn't necessarily agree with the water projects.

Environmentalists were there, and they were ready to say, "We want the Brown administration to take a different tack." So the first thing that I had to do was send some recommendations to the water commission on these water projects. I got the clear signal that the governor was not about to read in the paper in the morning that the Brown administration had taken a position on something that he didn't know about.

Chall: So did you get to see him?

Robie: Yes. What I did was write a letter to the water commission, which was the format. I said I wanted to take it over to have the governor approve it. I went over to the governor's office and waited around several hours, and then he sat down with me and started reading it. Dinner time came, and he said, "Why don't we go to your office." So we came across the street to my office, sat in my office--the secretaries were all overwhelmed to think that the governor arrived at five o'clock--and we sent out to Frank Fat's for food. We sat around until ten or eleven o'clock going over this letter. And that's how we did it. Every project in there--it was just him and me. There may have been one of my deputies present.

Chall: That was the way he worked, I understand.

Robie: That was the way he worked in the beginning.

Chall: He came right down into the offices to find out what was going on?

Robie: Yes, he also visited offices on a couple of occasions, but this was only during the first year or so. That was the only time he ever did his work in my office.

We went over this letter word by word. At one point we made some corrections in it; we went over it again and he corrected his earlier corrections--I mean, he changed it back without realizing he was correcting himself. The point was that he was hands on. So the letter that was sent out was the result of our combined efforts--sitting there together. It was a very inefficient way of doing it, but it was very important because the signal we sent by that first letter was where the administration was going. It would have been very negative if we just did the same thing that the past administration did.

Robie: On the other hand, when you oppose a major water project like San Felipe, which we initially did, you are facing trouble. The message there was that we were opposing San Felipe, which is now built. San Felipe was a project that we ended up going down and having public hearings on, with hard hats pounding the tables, and so forth. That's how it was done initially.

Chall: The water commission was primarily made up of Reagan's and some leftover Pat Brown appointees. How did they accept this new direction?

Robie: Well, that was part of the problem. The governor had, I think, three appointments in the beginning of '75. The chair had always been elected, as I recall, in July. So there was going to be a six months holdover in the chair anyway. And the chair was Jack Chrisman, who is a very patrician man from Visalia. A very gentle man, but very much in favor of the water industry's proposals.

I was of the feeling, being one who had spent by that time fifteen years in politics, that you only had a limited time to get your job done. So I encouraged the governor to change the water commission and to remove Jack Chrisman and put in his own leadership. I thought he was entitled to it.

Chall: Could he remove him before his term was up?

Robie: No. I think what happened was that they arranged a new chairman when the election came up.

Chall: I understand it took him a long, long time to make appointments. But these were necessary rather soon.

Robie: He took a long time on the appointments, so we struggled.

Chall: Did you have input to these appointments to the commission?

Robie: Yes. We had input, but basically the governor at this point was rewarding some of his friends. For example, Scott Franklin was a labor leader who strongly supported him. Scott Franklin was a good person; he was very environmentally oriented, and also he was willing to talk to people and go out and do a lot of work. So he was a good salesperson, which is something you have to be as chair.

I don't recall the details of when the commission changed, but during the first year I was basically on my own. I had to work with a hostile commission. My first water commission meeting was March [1975].

Chall: I don't have data on all the years. I have 1975, and Chrisman was still there. In December, 1976, Michael Glazer was the chairman.

Robie: Yes, Mike Glazer became the first chair, and Franklin took his place as the second Brown chair.

Chall: Who was Mike Glazer?

Robie: He was a very talented lawyer, and he was on the Water and Power board of the city of Los Angeles. He was a close colleague of Mayor [Tom] Bradley, and that's where the governor knew him. The governor personally knew him; he was a friend. He was a very deliberative kind of guy, being a lawyer, but environmentally oriented. We arranged to have the Brown votes--I mean, we just said we wanted him in the chair, and we managed to get him.

But the initial struggle was uphill.

Chall: When you first went off to the federal government, was Chrisman still there?

Robie: Yes. Of course, at the time the executive officer was the one who did that, rather than the director.

The next issue was whether the commission would follow the governor's recommendations. We agreed that if the commission disagreed we would relay both positions. I think at one time we even made two appearances in Washington; the commission made one appearance and we made the other appearance. It was very difficult, because Bizz [Harold] Johnson was the chairman of the committee, and everything was just all pro-California. They said, "You're really foolish if you don't go back and fight a hundred percent for everything, because then they'll think you're not interested and you'll lose out on all your projects."

It was very frustrating that there was no rational way of dealing with the allocation of water projects. You were either "a hundred percent for 'em or a hundred percent agin' 'em." Because if you weren't a hundred percent for them, you were just an outcast. And of course our Senators basically supported the projects, and of course our congressmen--John McFall was the whip of the House, and he had the New Melones project in his district. It made it very hard to be negative.

Chall: It took a while, I guess--

Robie: I came on board with the reputation of being an environmentalist, which I really wasn't. But I was on the board during the Delta decision, which director Gianelli felt was a total disaster to the State Water Project. I was on the board during the American River decision, which was very environmental, and I was on the board during the New Melones decision.

The New Melones Dam Decision

Chall: Were you basing your decisions as an environmentalist, or did they have some pragmatic and other values?

Robie: I had never been a member of any environmental groups. I mean, I just had my own feelings. I didn't come from EDF or anything like that; I came from Oakland, California, and I went to work for the legislature. But I just had strong feelings that environmental matters should be considered.

The New Melones decision, which was in '72, I believe--the question there was whether you give a permit to the federal government for New Melones. As you know, the decision was to give them the permit but only let them fill it up part way, because they didn't have use for the water.

I was very conservative in that decision in many ways, because environmental people of course really wanted the project not built at all. The federal government plans their projects in a very inappropriate way, in that they get authorization for projects without ever selling the water. Then they go around looking for customers, so that if they never get a customer, you'd still have a dam. It really puts the cart before the horse. On the other hand, the state has been criticized for its procedure, which is to sell the water first and not build the projects until later. I think that's more prudent, because at least you prove the need first.

Anyway, the problem with New Melones was turning it down. Environmentalists wanted to turn it down, and actually the board's decision ended up being sort of a hollow victory. Because I couldn't bring myself to say that it was not in the public interest to approve a project that Congress had authorized--that was my bottom line. I could say that I could put terms and conditions on it, but I couldn't bring myself to say that I could make a finding that it's not in the public interest to build this dam, when Congress had authorized it. Congress has a role in deciding what the public interest is as to federal projects, and I felt that even if they were wrong it was their right to make that decision. Therefore I couldn't vote at the water board to not build the dam at all, to turn it down.

Chall: At one point--I don't know if it was New Melones or another one--you were concerned about the quality of water and put some kind of a standard on the Bureau of Reclamation, which they were not about to accept.

Robie: Oh, I felt very strongly about that. The point is that I was always grounded in feelings about the law and the system. I guess what I'm saying is that I was more traditional than some people may have thought. They looked at the outer manifestations. What happened was that New Melones gradually got filled up. We all knew, I suppose, that it would be hard to keep it empty forever. But it seemed to me the only legally defensible position, because I couldn't turn it down. A lot of people were disappointed and felt that we didn't do the right thing on New Melones; we should have just said no to it.

But it seems to me that the state, acting through the legislature had always supported New Melones--and with congressional authorization, it was pretty hard for the administrative agency to say it's not in the public interest.

Chall: You probably wouldn't have been able to get very far with it, just issuing--

Robie: Denying the permit.

Chall: Somebody would have taken you to court.

Robie: Yes. But the point is that I couldn't bring myself to that. So I think we were basically in a situation where people had impressions of me.

Chall: It got pretty exciting when Mark Dubois tied himself to the rock.

Robie: That came a couple of years later, after Huey Johnson was the head of the Resources Agency. The problem there was that Huey really was in favor of not having New Melones, and Huey was a very ideologically oriented person. The governor was over a barrel, because the water board had already approved the dam, and Huey really wanted to basically undo all of that.

##

II DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES: ADMINISTRATION
AND RELATED MATTERS

Chall: I got the impression from reading something in the California Journal that you were considered Jerry Brown's best professional appointment. According to John Zierold, your appointment was not challenged by large water users with whom you'd often been in conflict because you were known to be tough and fair and had technical qualifications beyond reproach, and you knew how to get along with the legislature.* Was there any hostility or negative activity during the senate hearings on your nomination, do you know?

Robie: No, actually I don't recall any.

Chall: Governor Brown's cabinet and his choices for department heads who were considered very good: Claire Dedrick, Quinn, [Paul] Halvonik, [Marc] Poché, and his other appointments. I wonder if you all felt that kind of headiness about what you were all doing? I'm thinking of the way we are told the Kennedy people felt--that they were really in there to do something special.

Robie: Well, I think that we had a feeling that the governor was not tied to the past and that he would support us if we moved in new directions. But I particularly had no illusions that new directions would take a lot of selling to put them across. I hope I wasn't cocky. In looking back, I don't think I was, because I really didn't have any reason to be. I think I knew what I was doing, but I also had a big challenge in running a department of 2,400 people, and I had never been an administrator.

Chall: I wondered how that felt.

Robie: I engaged in crash programs; I took management training courses and I had team building efforts, and other things that I undertook. I have felt that of all the things that I accomplished

*"State's Report Card: A in Water, F in Smog Control," California Journal (Vol. VI, No. 12, December, 1975): 428.

Robie: in eight years as director, my management of the department was one of my accomplishments. We did well in affirmative action, we had a happy department, we treated employees well, we had innovative things with flex time and job sharing and a lot of things before anybody else did. So I felt when I got done that I was almost as proud of my management accomplishments as anything else.

But believe me, when I started--

The Staff

Robie: Well, only one department employee called me up to congratulate me on my appointment, and that was Robin Reynolds, who was the head of the central district. So I called him at home before my first day on the job--I now was the boss--and said, "Would you please come to the director's office and sit with me and tell me what to do and be my assistant until I get my feet on the ground." Of course, I made Robin a deputy. So he came over and helped me; I wasn't heady that day!

Chall: What about the transition with John Teerink? I understand he was disappointed not to have been selected as the director. He had been in the department a long, long time. How did he help you? Or did he?

Robie: I heard from other people that John was very disappointed. I guess he felt doubly hurt because I was appointed, because I was a lawyer and an outsider. I think John was really unhappy about my appointment. I didn't know, because I wasn't in the administration in the first two months of the year, but I couldn't imagine Governor Brown appointing John Teerink; he wasn't a Brown type. He was sort of the quintessential bureaucrat. He was very supportive and didn't do anything during the first two months, I'm told; he was loyal and worked well. But it just seemed to me that the governor had signaled a change, and it didn't seem likely. I didn't feel that John should have had such expectations, but obviously he did.

I tried very hard to be nice to John about it. Out in front in the lobby we had the pictures of all the former directors, colored pictures. I don't know if they're still there. We had one of John, so we had it framed and had a formal ceremony of its unveiling after I'd been in office a month or so, with punch and cookies. We invited everybody in to honor him, to try to make him feel better about being passed over. So I went to that effort.

Robie: Nobody ever hung mine afterwards, but the point is that I went out of my way to not have any difficulties with John, although he was very upset. He actually left the payroll about a week later and we moved him into another office in the building. He stayed there with his secretary until he left, so we really didn't have any transition at all.

Chall: So he didn't assist you. The assistance came from Robin Reynolds primarily. Why do you think that was so? Was Robin interested in your possible program?

Robie: Oh, Robin is just one of the nicest people you'd ever meet in your whole life. He is a dear, dear, wonderful man who had been in the department for years and knew me because he was the principal witness in the Delta hearings. He just called me up to congratulate me. He was one of the people I knew was nice and, I felt, competent. Robin stayed with me for four years. But I think over the period of time Robin, while intensely loyal, felt that the Brown administration direction was something that he wasn't that comfortable with.

He got a wonderful job in the World Bank. He didn't have any particular desire to be director, and being deputy director for four years was the culmination of his career; I mean, he was a career department person. To be a deputy director before you retire is about as high as you can go. So Robin was a wonderful member of the team, and then he moved on. I think he felt that he had done his four years.

Chall: And Mary Anne Mark was appointed in his place. Did you have anything to do with that appointment?

Robie: Yes. She was my choice for a couple of reasons. Number one, the water industry and the water business is pretty much a male institution, and I wanted a woman. Mary Anne was one of the few women engineers outside the department who I knew. She worked for the corps of engineers. She was very environmentally oriented and she was a personal friend of Jerry [Gerald] Meral, my deputy director. I had put Mary Anne on an advisory committee before she was appointed deputy, so she had been brought into the department in an advisory role. I was very sensitive about having an engineer, because I was a lawyer; Bob James was a lawyer; Chuck Shoemaker was a lawyer, although he was also an engineer; and Jerry Meral was a biologist. It was essential to me that we have an engineer, and I really did try in my eight years to keep the ties to the engineering business. I know that when Dave Kennedy became director he put a bunch of engineering symbols in his office to indicate that now the engineers were back.

Chall: Is he an engineer?

Robie: He is an engineer. So there is always that feeling, and I felt that engineers were wonderful; but I didn't think that policy people were bad, either. [chuckles]

Chall: Shoemaker had been in the department?

Robie: No, Chuck had been with the department and then he went to the water board. He was on the legal staff of the water board. I brought two people with me from the water board: my secretary, Glee Valine, and Chuck. Originally I had Jerry Meral from the Environmental Defense Fund. I wanted him to come because I had a very close personal relationship with him, and I found him to be one of the most sensible environmentalists that you could find. And I would say today that he is still one of the most sensible environmentalists you can find. It turned out he believed honestly in the Peripheral Canal, for example, even though he was very environmental. So I brought Jerry on board early on.

First of all, I wanted to organize the department with people in charge of different units who had expertise in that area and who would be advocates for the program. I was the director, and it was my job to take all these alternatives and to make the decisions in conjunction with them. I didn't want any one of these deputy directors to be the chief deputy, so that one side of the organization felt it had a leg up on the other.

So I created the job of assistant director for Chuck, and I said that Chuck was going to be the alternate "me." He came without a portfolio, although he had some management duties; he was in charge of the business kinds of things. Chuck was going to be my substitute. When I left the office, (it was a very rigid office)--if the director is out of the office somebody has to be there to sign things--Chuck was always the one who took my place, on the theory that he wasn't part of any of the organizations. So that's what Chuck's role was--to be my right hand, to be not directly part of anything.

Jerry was put in charge of planning--that's where all the projects came up--and energy. Jerry was to redirect them, to make them consider water conservation. And we made a symbolic change: the planning division was always called the Division of Resources Development--DRD, and I said we were going to call it the Division of Planning. That was a change I made deliberately to say that the mission was not development, it was planning--whatever you need, conservation or something else. So Jerry was there in energy, and he was there to be an advocate there.

I needed a deputy for the State Water Project. Bob Jansen was an old-line engineer who was a very competent, a superb dam engineer. Bob was uncommunicative; he would never say anything.



Left to right: Catherine Bergren, Assistant Director; Jerry Meral, Deputy Director; Ronald Robie, Director; Mary Anne Mark, Deputy Director; Bob James, Deputy Director; Charles Shoemaker, Deputy Director.



Deputy Director Robin Reynolds

Robie: I had a devil of a time talking with him. He was just a very quiet person, and I wanted somebody who would be active with me and interact. So I wandered around the building.

Jack Johnston was the civil servant in charge of management services. I always liked Jack; he's a good friend today. Jack was a great guy, and he knew everybody in the department. I went in to him and said, "Jack, I want somebody for deputy director for the project." I felt like I had to have somebody from the department, again, so that the outside wouldn't think I was bringing in a wrecking crew. I wanted somebody in the department whom I could trust, who would be in charge of the State Water Project. He said, "Why don't you talk to Bob James?" Bob James is a lawyer. He was very quiet, and I had always known about him. Everybody said that if there was one person in the department who had integrity and everything wonderful, it was Bob James.

So I walked over to his office one day. I sat down and we started talking, and it turns out he graduated from the same high school as I did. He lived right down the street from where I went to school. I said, "How would you like to be deputy director?" And he couldn't believe it. It turned out that he was absolutely wonderful. He was gentle and wonderful; another lawyer, but he ran the State Water Project for eight years and did a terrific job. He relied on engineers, like I did. So anyway, that's where he came from.

Robin had some other assignments, too.

Chall: Where did you put him?

Robie: Well, actually Jerry had energy first and planning later. Robin initially had the planning divisions, but the objective was to turn them around. We divided them up--I can't remember exactly how the chart looks now. The water project was one; we had the safety of dams, design and construction, and that sort of thing.

Chall: How did you work with them? Did you have, like your predecessors, meetings once a week, or something of that kind, with these four or five people?

Robie: We had Monday morning staff meetings, starting at 8:30. I guess they were 8:30; they were early. We met and went over things. I tried to have collective decision making, in the sense that anything major was always discussed by the deputies and myself.

Chall: Mr. [Porter] Towner continued to be the legal person; he'd been there quite a while, too. So now we have your staff.

Setting the Direction

Chall: You had made a speech in 1972 on the Delta decision. It almost looks as if in that decision you had laid out your program--even though, at that time, you didn't expect to be director of DWR. This may be what attracted you to Governor Brown. This happened to be on the Delta decision and about the water board determining the appropriation of water.

You said, "It is obvious in reviewing California's mal-distributed water resources that there will not be, in the future, sufficient unappropriated water from surface sources in many key areas to meet all future needs in the state unless these resources are carefully managed. This great task is presently being undertaken by a blindfolded state government in water rights matters, since we do not have accurate records of riparian rights, pre-1914 appropriative rights, and ground water rights." Then you suggested a review of the water rights laws. You claimed that water resources management is "a coordinated effort to utilize all possible sources in the manner that maximizes long-range public benefits. Economics cannot be the sole criterion...."* That pretty well laid down where you might be going as director.

Robie: I think I basically followed that in my term.

Chall: That's right. It really laid the course of action. When Gianelli left he had an idea that he floated, that perhaps now the water project was really a public utility and it should be managed like a public utility. All other aspects of it, like planning and so forth, he suggested, could be then handled by other departments.** That never went anywhere.

But in terms of administering the department can we think of it in terms of the utility--management--aspect, and then the policy aspect, which is what I'd like to do [in the interview].

Robie: I disagreed with his plan. It was talked about many times after that.

*Ronald Robie, "The Delta Decision: Water Rights in a New Era," Speech to the Water and Energy Committee, Los Angeles Chamber of Commerce, February 14, 1972.

**Interview with William Gianelli, The California State Department of Water Resources, 1967-1973, an oral history interview conducted 1985, Regional Oral History Office, The Bancroft Library, University of California at Berkeley, 1986, p. 70.

Relationship with the California Water Commission

Chall: We've already talked a bit about the water commission. I noticed you mentioned a couple of times in your reports those individuals who gave you particular help and support. Over the years did the entire commission give you support? How did you look at the commission in terms of your needs as director?

Robie: I wanted to make the commission more significant, to the extent that I could. It basically went around and just took field trips and looked at everybody's projects every month. And it had its hearings, which were usually informational. They only had a few really substantive duties, which were approving condemnations and a couple of other things. It met once a month. I wanted it to be a sounding board and to run interference for me for ideas, for example. I wanted to use it creatively. I at times had to lobby it because I didn't want it to go against the administration's positions, which it occasionally did. So it's always a dilemma, to want an agency to be truly independent and at the same time to want it to support your policies. It had the staff of only an executive director and a part time lawyer and engineer, so it didn't have the staff to do anything in great detail. It was really the public's way of getting in to the department, a sounding board. It never had a terribly significant role. But it did have the authority, under the law, to go back to Washington every year and speak on projects.

Chall: That was about it?

Robie: That was the main one it could really do, which was strictly policy; I mean, which was way out front.

Chall: Your reports to the commission were very complete, with tables and appendices and so forth. How did you get all that written once a month?

Robie: It was written by a series of people who were very talented, fortunately. Melissa Blanton--

Chall: Was she your secretary?

Robie: No, she was at the water board. Miss Blanton was the original author of them, as I recall, and various others. What they basically did was sit down with material that they had developed in the department. They regularly solicited all the division chiefs and asked them for items for the commission, and they scoured through every document. They would come up a couple of weeks before the commission with a list of topics, and a person would sit down with me and ask me what I wanted to say about these issues. Then they would go back and come up with a draft.

Chall: I see. Did you write anything in them yourself? I noticed that occasionally they showed a touch of your concern about an issue. When you were angry, maybe with [Leo] Krulitz or somebody else, you never hesitated to indicate this. So I wasn't sure whether you had an input, as it were--whether they came sort of bland and you changed them, or whether the writers knew how you felt.

Robie: Melissa really knew me pretty well, and she also drafted some of my speeches. I would tell her what I wanted to say and she would write it. So they didn't really come bland; they would usually come with my thoughts. The final words were always mine, but she was pretty good at guessing what I wanted to say. I think later on in my time at the department the people didn't know me as well and they tended to get a little more quiet, I suppose.

Chall: There was a great deal of legislation mentioned in your reports. A lot of it came in the last few years. How did you keep track of all that legislation? Who on your staff did it for you?

Robie: Oh, the legal staff did that. I might say that one purpose of the water commission statement-- I indicated that I had read the water commission statements when I was not in the department, during Director Gianelli's time and before, and I always felt it was a marvelous way of knowing what was going on. So I used it as a way of meeting the public, because it went out to several hundred people.

Chall: There were quite a number of people who attended those meetings, too.

Robie: Right. Originally I read them to the commission word-for-word. As time went on, and we started putting in more complicated tables and charts, they were really to become a public record of what was going on.

Chall: And they are.

Robie: As a result of that I didn't read them. Finally I just said, "Here's my statement. If you have any thoughts, I'll answer questions."

Chall: So how did those meetings go, then? Did the commissioners actually see your report prior to the meetings?

Robie: They got it the day before.

Chall: How many of them do you think really noticed it?

Robie: Oh, they usually read it. That was their way of finding out what was going on at the department, too. I was the first item on the

Robie: agenda; I think the director still is--the director's report. You tell them what's going on and answer questions. I used the director's report to make announcements that I hadn't previously announced and so forth, so it was definitely a tool of the department.

Chall: And it helped them to follow the legislation, too--keep track of the legislation.

Robie: That's one reason the legislation is in there. It was to let the commission keep track, because they were supposed to give us their thoughts on that to go across the street to the governor's office. And also it was in there to keep the public advised. I had one eye on the commission and one eye on the public that was reading it.

Tracking Legislation

Chall: You indicated from time to time that you were opposed, or supportive, or made no comment one way or the other on some of this legislation. I'm interested in how you made decisions about whether to support, oppose, or just wait and watch the legislation.

Robie: The administration had a strong procedure, as all administrations do. Our recommendations went over on bill analyses, which were prepared initially by the staff of the department that was affected. Then they would go to the legal staff where they would be revised. Then they would be signed by me and sent to the Resources Agency. They would have to concur, and then it would go to the governor's office. I couldn't take a public position on any legislation until the governor's office approved it. So what you saw in there in terms of policy had all been approved; I wouldn't have spoken about something that I hadn't permission to.

Chall: In your own office did you discuss this with only the legal staff?

Robie: All the deputies.

Chall: So that would be something that you would have to go over with them.

Robie: We went over all those kinds of things that were important. Chuck was my chief legislative spokesman.

Chall: With whom did you work in the Resources Agency? If you really wanted or didn't want something, would you go over to the Resources Agency and lobby your point of view?

Robie: Yes, but we really didn't have any problem. We were very fortunate in that Secretary Dedrick, who had Larry Moss as her deputy, and Rich Hammond, and Secretary Huey Johnson were generally supportive. The only time we ever had any disagreements, perhaps, was on maybe a conflict between Fish and Game and DWR. But on the things that came up we had wonderful support. We hardly ever got anything turned down. We were all on the same wave length, which was important.

Chall: What about relationships with Marc Poché or Paul Halvonik in the governor's office?

Robie: We didn't see them very much. Marc and Paul were there during the early years, and our major legislative push of any substance was the Peripheral Canal legislation, and we did it ourselves.

Financing the California State Water Project

Chall: I'm going to get to that later, because I think it brings everything to a focus. What about financing? About the only thing I ever read about financing was SB78, when you needed to transfer \$25 million from the tidelands oil funds and put the money into the Central Valley Project Construction Fund during the drought year. That tidelands oil fund gets used in one way or another from time to time.

Robie: I'm fuzzy about the details. One of the things that happened was that the tidelands oil money was made available in \$25 million a year plus \$5 million.

Chall: Plus \$5 million?

Robie: It was actually \$30 million--\$5 million for recreation and \$25 million for everything else. It was made available by the legislation that I worked on, in fact, with Mr. Porter. It went on forever, and it was gradually building up at some point to be more money than the department needed. It was really a nice little cushion for the department to have. The Department of Finance always knew the money was there, and they knew the law said that the legislature at any time could appropriate it for other purposes. In other words, the statute said that the legislature could take this money out. It came to the fund [California Water Fund] automatically from the tidelands, but once it got to the fund it was subject to appropriation by the legislature.

Chall: And it had been from time to time.

Robie: Well, once in a great while.

Chall: In Governor [Pat] Brown's administration.

Robie: I know. We had this horrible battle with the Department of Finance continually throughout my administration, in which they wanted to steal--I called it stealing--money out of the California Water Fund. We had some knock-down, drag-outs toward the end with Mary Ann Graves--the last director of finance. We took her around the State Water Project in an airplane and showed her things so she'd understand why we needed the money. In the last few weeks of the administration, in fact coming up to the election in '82, we had more raids on it, attempted raids. They finally resolved it with a permanent raid, basically, after I left.

Chall: Oh, really? Governor Deukmajian--

Robie: It was finally resolved as to how much it would be. But the point was that it was one of the things I had to fight all the time, to make sure we had enough money to do all these things that we were doing.

Chall: I was always under the impression that that \$25 million was so-called "set aside" money that was supposed to stay in the California Water Fund and be used someday to finance the future projects, like the north coast--

Robie: Yes, but the set aside was limited to \$180 million or something; it had a fixed amount.

Chall: I see. But you could build up?

Robie: I mean, that was all. The law said that for every dollar you spend from the Water Fund on initial project facilities, you set aside a bond, and then when you've used all the bonds there was no more to set aside; it no longer had a set aside.

Chall: But you hadn't used up all the bonds.

Robie: Well, yes we had, so \$180 million was set aside.

Chall: That's always sort of an elusive concept to me.

Robie: I think the GO [government obligation] bond amount was set; it was fixed.

Securing Independent Electric Power Sources

Chall: In your first report to the commission on April 4, 1975, you said that "my most serious concern about the project, and my number one priority for it is power." You were concerned about obtaining future sources after the contracts expired in 1983. Prior to that, in January of 1974, John Teerink had spoken to the Water Service Contractors Council [January 16, 1974], and he had mentioned problems with power, too. He talked about the need for water for power plant cooling, and discussed the San Joaquin Nuclear Feasibility Project which was scheduled for completion in the summer of 1974.

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Chall: He talked about the need to reassess hydroelectric potential, to explore revenue bond financing with Dillon Reed. He urged those water users to redouble their efforts to conserve water, hence energy. He said there was much energy required to pump water to southern California, so he talked about conservation through waste water treatment, and care irrigating the land. So I guess power was important. What made you consider it to be your number one priority at that point?

Robie: I guess there were two things. The things that you said John Teerink mentioned were my concerns, too, because they came from the staff and they were concerned. What happened was that in '83 the three mill power would end.* We had two basic contracts: one to sell power to the utilities and one to buy from them. They were both low cost. The three mill contract was the purchase contract. Three mill was really out of whack in terms of modern energy costs; it was very, very low. The department was moving in a nuclear direction, which would not change, really, for a period of time.

My concern was that I saw the department as a utility, the largest single user of power in the whole state of California with a statewide network of facilities. I wanted it to be independent, and I guess I had strong public power feelings of my own. I saw the department as sort of a serf of PG&E [Pacific Gas and Electric], under the agreements that we had. We couldn't wheel power. If we had surplus power we had to sell it to PG&E; we couldn't sell it to anybody else. We couldn't wheel power to other people; we were not independent. I saw the department as a sleeping giant, and I saw the termination of the contracts as not meaning just renegotiating them with the utilities, but making the

*Three mill can be stated as .3 cents per kwh.

Robie: department a utility with its own system, its own operations, and calling its own shots in order to maximize the benefit of its resources. That was my goal, and I accomplished it.

Chall: You did accomplish it?

Robie: Oh, yes.

Chall: How did you accomplish it? What did you do?

Robie: The first thing we did was to make the decision five years before '83 to cancel the '83 contract.

Chall: That was the '83 contract with PG&E?

Robie: Right, and with the other utilities. We indicated that we were going to start from scratch.

Chall: That's the Thermalito--

Robie: The Oroville contract. We cancelled the sales contract. We went out and we proceeded with a new hydro--Cottonwood, which is now called Alamo, and we continued to develop hydro facilities. We then proceeded to build the William Warne plant, which was the Pyramid power plant. So we proceeded to build new hydro facilities of our own. Then we expanded to get new facilities of other kinds. Geothermal was one of the things we did. The department has at least one operating geothermal plant, and one in storage still. We went out and built the Reid Gardner coal plant in Nevada, jointly with the Nevada Power Company.

The first thing we did which was really significant was we outbid PG&E for power from the Pine Flat power plant. That was the first decision we made. The Kings River Conservation District owned the water behind Pine Flat Dam, which is a corps of engineers dam. After many years they were going to put a power plant in, and PG&E was the certain buyer. DWR bid, and we called in a consultant--Bill Warne consulted with us. We were determined that we were going to outbid them, and we did. We got the contract for Kings River, and it startled the devil out of PG&E, because they thought it was theirs and they didn't want the department going out and buying sources of its own--which we did.

We filed a series of anti-trust actions against the PG&E, initially related to the Stanislaus nuclear plant. Our objective was to break their stranglehold on our transmission. We did a

Robie: whole bunch of things, but one of the things we did was that prior to 1983, when we had terminated our contract with PG&E, we re-sold the first set of power to Southern California Edison. That caused great consternation at PG&E. PG&E was sure that we were going to do everything they wanted us to do. The Sacramento Municipal Utility District is a serf of PG&E to this day; they haven't got their umbilical cord cut.

We negotiated with both PG&E and Edison, and we decided that Edison would give us a better deal. Edison, of course, was anxious to crack the northern California market. So we sold the first increment of power from Oroville--we divided it into increments; we didn't sell it all at once--and we announced a contract with Edison, which really knocked peoples' socks off. One of the things about it was that we didn't have any transmission capability of getting the power to Edison, but my feeling was that we would find a way, which we of course did.

Chall: Where did you put it?

Robie: We ended up putting it over the same transmission facilities we always used. We just broke the ability of PG&E to prevent us from using it. And we also brought the power in from Reid Gardner, which is near Las Vegas, to the State Water Project. So we now have the ability to transmit all over the West, literally, and the state of California can sell power to Riverside and independent agencies. We also bought more power from the Pacific Northwest. We later sold more power to Edison.

It had been a lovey-dovey arrangement between PG&E and the water project. And when Pat Brown tried to build a nuclear plant in 1966 (whenever it was) in the Tehachapis, the private power companies just went out of their minds. They lobbied the legislature, and actually Carley Porter helped kill it. But it's a good thing they killed it, because at the time the power plant that Bill Warne wanted to build was the breeder reactor, and they still hadn't perfected the technology.*

But in any event, I learned from that lesson that PG&E wasn't going to run the State Water Project; the project had clients of its own, the people in the state as well as the contractors. So I guess I had an agenda to make sure we got independent. And, boy,

*See interviews with Edmund G. Brown, Sr., "The California State Water Project, 1950-1966," pp. 40-41, and William Warne, "Administration of the Department of Water Resources," pp. 70-74, in California Water Issues, 1950-1966.

Robie: we did it with a vengeance. The last thing I did, on the thirty-first of December, 1982, was to sign the final settlement of the lawsuit I filed against PG&E. On my last day in office I settled the final contract with the chairman of the board of PG&E.

Chall: I guess I may have been skimming toward the end of your water reports, because I didn't see all of that. What I did see, however, was that at some point the Los Angeles Water and Power utility had reneged on its contract obligations to remain with you. I thought that was the reason for your having worked out the final contract with California Edison. But that had nothing to do with it?

Robie: Oh, no. That was just a minor thing. I don't know if it's ever been resolved legally. What happened was that the state of California bought three mill power from Los Angeles, San Diego Gas and Electric, PG&E, and Edison. It bought from four, it sold to three; it didn't sell to Los Angeles. We were buying cheap power from the three private utilities, but they were also getting cheap power from us. I mean, it worked both ways. So they really didn't complain about the three mill power.

But L. A. was giving us power for three mill that had cost them six to generate, so they said that they were really losing their shirt. And they were a public agency with taxpayers and all that, so they reneged out of self interest. The three private utilities would have reneged if they had been in the same situation, but they weren't. So we went out and banged on L. A. for breaching its contract. It may have had a legal basis for breaching it, but we weren't about to admit it. Basically we just made Los Angeles suffer for their decision by publicly criticizing them.

Chall: Of course, the cost of power had just gone up tremendously at this period of time.

Robie: Right. But as I say, because of the trade-off, because of the purchase and sale, the private utilities didn't fight the three mill power, because if they had fought us we would have broken our sales contract to them. So that's the only reason Los Angeles did its thing. The private utilities were a little bit uneasy about the whole thing because they understood what Los Angeles was doing, but they didn't want to rock the boat.

Some of the things we did. The Metropolitan Water District in '78 came up with small hydro on its project, along the aqueducts in Los Angeles, and we bought their power. We also bought a bunch of windmills at one stage, and we tried to figure out what to do with a woodburning power plant, which was never successful. In '78 we decided to proceed with the Reid Gardner plant, and we went ahead with two geothermal plants, one of which

Robie: is in operation now. So we made a lot of independent decisions. We were going to do some co-generation with the state facilities, and, as I say, we bought windmills and a lot of things.

Chall: Did you do anything about that San Joaquin nuclear project?

Robie: The San Joaquin nuclear project was dropped by the city of Los Angeles. By that time the governor had really been unsympathetic to it. To tell you the honest truth, I can't remember how it finally ended, but it was dropped.

Chall: So there's nothing in the pipeline for nuclear for the project, or there wasn't while you were director?

Robie: No. We did two things that would probably be interesting. One was the Sundesert plant. The Sundesert plant had started out with us prior to '75; it started out with the department as a participant or partner, initially. The record will show that I did not proceed with that without the approval of the governor, and it actually went across the street. There's no written documentation, but it went through Claire Dedrick. So I, in the first two years, went ahead with Sundesert. We never got to the point of ever signing a formal participation contract, but we were in the feasibility study.

Chall: Sundesert was what?

Robie: The nuclear plant out at Blythe, that was being built by San Diego Gas and Electric. What happened was that the anti-nuclear program just became very great, and Governor Brown embraced it. We had a very difficult situation in which the department was a partner in Sundesert while the administration was trying to kill Sundesert. It caused great stress with our water contractors, because they were much in favor of Sundesert. It turned out that Sundesert was a real turkey in terms of economics, and basically nobody is really crying over it now. But at the time it was quite important.

So I was really on the spot, because a lot of people in the administration got mad at me because they saw me as being disloyal, in a way, by having the state be a part of it. Because the private partners of Sundesert, when they were under siege, always announced that the state was a party to it. They were very good at p.r., and they kept reminding the legislature and everybody else that the state was a part of this. And of course we couldn't get out because we were in. In other words, we were in on the initial study, and then we had to exercise an option to go into the project itself. The option hadn't come up, and we couldn't just announce the decision in advance, so it was a difficult period of time.

Robie: What happened was, of course, that the legislature passed the [Assemblyman Terry] Goggin bills and the plant was eventually outlawed. They exempted the Edison plants and left Sundesert under the California nuclear laws, which eventually did it in. As soon as an opportunity came about I got out of Sundesert. But the governor definitely, in my opinion, changed his position on nuclear. He was not anti-nuclear when he started the administration, but he definitely became anti-nuclear. As a result, our position switched.

Then we went out and proposed a coal plant, as a result of the Sundesert thing. The governor was trying to fight Sundesert, and the only alternate to nuclear, other than conservation, was coal. The governor said, I want the Department of Water Resources to build a coal plant." So we embarked on the planning of a coal plant, which is just a dreadful prospect because nobody really wants a coal plant, either.

Chall: Where was that going to be?

Robie: It had alternative sites in southern California. We actually spent quite a bit of money, several hundred thousand dollars, on studies of the coal plant. The interesting thing about it was that it turned out to be quite beneficial, because it got all the utilities upset at the thought that the state would be building a coal plant. We ended up dropping it, but they all dropped their stuff and everything stabilized. So we were sort of a stalking horse.

This was the kind of thing that made a lot of the water contractors mad, because I think they knew that the coal plant was in part in furtherance of the administration's anti-nuclear policy, even though it didn't appear to be, necessarily. However, it helped us get concessions from all these people in other areas. We ended up with a huge power supply as a result of all this. It was just another little game.

Chall: The decision to have the Department of Water Resources developing energy was because it was needed for the project--the larger source of public power needed was for the water project?

Robie: Yes. We had a graph--it was in the water commission statements, if you have the originals--that made it very clear that we weren't trying to become a new utility with a lot of surplus power. We wanted to be an independent utility on our own, not tied to anybody, but we didn't want to make so much power that we were interfering and competing. So we had these charts which we kept drawing regularly so that we had maybe a 10 percent margin on the top, in which we kept planning so that we always had a little more

Robie: than our demand but never more--and that was always a big struggle--than a reasonable additional amount. We also had on our charts potential projects which might not go, so you had to keep planning. We basically tried to develop as many alternatives as possible. What ended up was that we have a surplus of power right now.

Chall: Did you develop a coal plant actually, so that you could study the economic effects, as you did with Sundesert?

Robie: We made studies--economic and environmental studies of the location and things, yes. We went quite a ways.

Chall: I noticed that in 1978 you had a tour of the Lake County geysers and PG&E's Sonoma geothermal plant, and that the governor and Secretary Huey Johnson, Tom Quinn, Priscilla Grew, Robie, and maybe others, went along on this tour. At another time the governor went on a tour of the San Joaquin Valley farms and saw the salt build-ups, the reverse osmosis plant at Firebaugh, and windpower. Tell me a little bit about how the governor operated, going on tours of this kind.

Robie: Geothermal became one of our priorities because it was a good resource and PG&E had been using it. One aside on that, if I may, is that Union Oil had been the primary supplier of steam to PG&E, and they wouldn't sell to us. They wouldn't sell to anybody else, in fact. So all the other people who developed geothermal steam had to buy from somebody else. We ended up buying from Geo Products, for one, which went belly up; the lawsuit was just settled last week on that. We also bid on a federal lease and won it. That was another thing that was fairly bold. The federal government had a lease over there of a field that was geothermal, and the state of California Department of Water Resources bid on it and won it. So it had the rights to develop a steam field of its own.

We also engaged a third steam field for the South Geysers plant, which turned out to not have sufficient steam. The people we bought it from didn't produce, so the plant's never been completed. The problem was that we were frozen out by PG&E, because they wouldn't let Union Oil contract with us, in my opinion.

Anyway, we decided to go full tilt in geothermal. We talked to the governor and he said he wanted to see it. He said, "Let's go," so we took a tour. In the San Joaquin Valley he was very upset about drainage and he wanted us to do desalting and things. So we took them on a tour. He was a very hands-on kind of guy. Huey said, "Governor, you've got to see that stuff; it's really exciting," so the governor went on his way.

Chall: Did it help that the governor really knew what you were all talking about?

Robie: Oh, yes. He always knew what we were doing. He read everything that we did, and he knew what was going on.

The Annual Budget Process

Chall: Now--budgets. You have Proposition 13.* From that time until certainly the end of your term, the governor's term, there was always a problem with your budget. Right after Prop 13 in 1978 you had a 5 percent reduction; I think you said it was about three and a half million dollars. And you claimed that Merrill Goodall, who was on the water commission at that time, attended program conferences where many difficult decisions were made. I have two questions about that. How did you manage to reduce your budget; and what was the assistance, if any, of Merrill Goodall and other commissioners?

Robie: Well, one of the water commission's duties was to give a report every year on our budget. The other thing was that the water contractors gave a report on our budget. There is a basic tension built into the system, because the State Water Project had money which was available to it from income and from bonds and things, and it could spend it without legislative approval. So the water project part of the budget was never approved by the legislature, although it was sent to the legislature.

What we had was the general fund and the project funds. The general fund is where all the cuts came. The water contractors to this day think that the state spends too much money on water project studies that should be spent by the general fund. So we tried very hard to keep honest books, but we did allocate part of the various studies to the project. In other words, if we made a Delta study it would be beneficial to everybody using the Delta, but the State Water Project is the biggest water user out of the Delta. So we would charge the water project a portion of the cost. The water commission was ever mindful of the water contractors' concerns, so it sort of served as a buffer.

*Proposition 13, a constitutional amendment, established a limit on local property taxation and changed requirements for increases in other sources of government revenues. June 1978.

Robie: The water contractors would review our budget and have Arthur Young and Company, and various companies, submit us detailed reports and tell us what they thought was right or wrong. I spent all eight years trying to make sure that the water contractors were not too unhappy with us. Because their bottom line was that they didn't want us to spend anything. They had a single interest; they wanted the smallest bill they could get.

That's one reason why I always opposed director Gianelli's proposal to have an independent department. The department has to be run by the state of California, the governor, and the policymakers. Because if you just let them [the water contractors] do it, they wouldn't do anything. They would cut off their noses to spite themselves, and then when they would run out of power or something, they would say, "Well, how come there isn't any power?"

So they squabbled over the budget a lot. I think overall we kept a pretty good peace, most of the time. We just took cuts in our general fund budget; we cut out things that we didn't think were important, and we changed priorities. We put money in water conservation and we took it out of other things. We didn't make the land use surveys as frequently as we did before. There were a lot of things we did to cut. So that was one way we exercised our policy concepts through the department.

Coping with the Drought

Chall: During the year 1976 and into '77, there was drought. That was followed by very heavy rains and flooding, and in 1980 the storm around the Delta was quite damaging. It must have taken a heavy toll of time and energy just keeping up with the problems, which you certainly hadn't anticipated when the project was built.

Robie: Yes. The drought was extraordinary because we had two roles. We had to operate the project properly and make the most of it, and we also were the state water department. In '76 we started out with a dry year report the first of the year. We looked back to '61 when they had a dry year and we began to repeat the same strategy. We started cutting back as early as March of '76. We cut back on surplus water, and we pushed some other things. For example, installation of low flush toilets was being legislated. By May of '76 we had set up task forces and put out a series of reports on how to cope with the drought, specifically listing a bunch of actions.

Robie: Then when we got into the fall, we really got concerned. Over the period of the fall through '77 we made extraordinary efforts, and of course the governor started working on the drought himself. He personally wrote a letter to every water agency in the state. That's the second time he sat in my office, and we wrote a letter [laughs]. I have the original somewhere in my files. It was a telegram, actually. He sent a telegram to everybody, asking them to do the following things and report back to him on what they were doing.

Chall: Every agency in the state?

Robie: Every water agency in the state. I was really proud of what we did. We documented everything. We had a tremendous struggle with the state water contractors because they wanted more water. People told me, "Let next year take care of itself; we'll take care of now." And I just wouldn't let them do it.

In March, 1977, the governor appointed a task force headed by Frank Schober, who was the head of the National Guard, the adjutant general, for which we were the primary operators. We had a conference in Los Angeles, and then we did all sorts of things. We developed the pipeline over to Marin County across the bridge; we put rock dams in the Delta and various places; we pumped water out of the Delta into East Bay MUD's [Municipal Utility District] facilities.

We took water to San Francisco, which was symbolic. San Francisco actually bought water from the State Water Project in the drought. I took great pride in that, because San Francisco people hated the State Water Project more than anything else, but in time of need we were there to help them. And we did. We delivered water to them in April of '77.

We distributed thousands of water saving kits throughout the state. We developed a very extensive program and distributed all sorts of stuff. We just did everything under the sun and put out a whole series of reports documenting it. I felt that of anything I did during my time with the department, I was most proud of operating in the drought and succeeding in the drought, keeping the state going and working out a lot of unusual physical solutions. Considering that there hadn't been a serious drought for thirty years, I think we responded effectively with a minimum of problems.

Chall: Regarding the surplus water you were utilizing in assisting some of the other districts, I noticed that at the end of 1976 the Salyer Land Company filed a claim against the department with the state Board of Control. It claimed that the landowners within the Tulare Lake basin water storage district had a crop damage of \$3.7

Chall: million due to inadequate irrigation, damage to crops, et cetera. They felt that you had violated Decision 1379--that was the Delta decision. You said that you had distributed surplus water, that Tulare and the contractors got their entitlements, and that you had considered water quality standards for the Delta. You also claimed that the Bureau of Reclamation didn't take any Delta standards into account.

With all that you were doing, were you still jeopardizing your reputation?

Robie: No. The Salyer Land Company never liked me, and they are one of the most reactionary and negative organizations in the state. What happened was interesting. A number of things happened. First of all, when I came to the department--and this is something that has never been published, so I'll tell you--I had been on the water board. There was a stay of the water board's Decision 1379, which was in 1971, by the court because there were suits on it. When I came to the department I told the department operators that I wanted them to operate in accordance with D 1379. I said, "I want you to meet its standards."

The Salyer Land Company threatened to sue me for violating the court order. In fact they were going to take my deposition. They sent me interrogatories, and I took the Fifth Amendment for the only time in my life, actually, on the advice of the attorney general.

The legal authority of the department was that I had the right to determine the operating criteria of the State Water Project. As the director I had that authority, and if I wanted to use 1379 I could and I did. What that meant was that we had to protect the Delta more than we would have without 1379. So when the drought came we did two things: we operated under 1379, and the Bureau of Reclamation didn't. So, on the days that the bureau didn't operate, I released state water to make up for the bureau's failures.

Chall: So you were monitoring the Delta--?

Robie: I was protecting the Delta with our water when the bureau wasn't. As a result, that's why they sued us. They said two things: that we shouldn't have followed 1379, and we shouldn't have made up the bureau's share. They were wrong. I did it, and they got very unhappy. The legal thing was that they had contracts that they wrote to give them, basically, surplus water. The surplus water contracts were really intended to give them a lower price for water, not to give them surplus water. In other words, they called it surplus water because legally it was. But it was really a gimmick, back in the '60s, to get them a break on the cost of the water.

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Robie: The real reason for surplus water being in the contract was so you could call some of the water surplus. Because in theory they needed the water, therefore why would you call it surplus? They called it surplus because they could give it a lower rate, and that was a way of giving them a lower price, and the municipal contractors agreed. What it amounted to in the early years was that the state didn't get as much revenue.

I just called their bluff. In '77 I said this was legally surplus water, and that it was not guaranteed. They knew that, but they had gotten so used to it. They didn't have a legal right to it, and they had been getting it cheap all those years. It was not subject to the shortage requirements of the contract.

Chall: I think in a speech Mr. Towner gave to some organization he did say to them that they had been considering surplus waters as part of their entitlement, where it wasn't. So at that point--and I think it was before you took over; I'm not sure--he determined that so-called surplus water was going into groundwater replenishment first.

Robie: Yes. They were supposed to use surplus water for certain purposes. It really was just a gimmick to enable them to have more water, and as long as everybody--the other contractors--agreed to it, that was fine. But when the crunch came, MWD had firm water mostly, and the contractors in the Valley were taking advantage of surplus water. So we cut them back.

Establishing the Operating Plan

Robie: One other thing of interest: when the drought came along in '76, I asked the department if we had an operating plan. They said, "Oh, no." The engineers in the department didn't have any plan to decide how much water they had to deliver. Up until then the contractors put in their orders every year, and the department just delivered it because we had it. The demand was low and there was plenty of water. I said, "We've got to have an operating plan." So from that year on we've always had an operating plan. They still have one today.

It was a formula, in which you had various criteria: for example, how much water you must have in storage in each of the reservoirs; if you don't have that certain storage you can't deliver. We devised a chart with a big graph, or bar on it so you could tell every year: if you had eight million acre feet of

Robie: water, you'd have this much to deliver; if you had six million, you'd get this much. In other words, it was a mechanical formula for allocating the water so you'd have enough for next year.

I was flabbergasted when the staff told me they didn't have an operating plan. We developed one, and of course every year now they have an argument over what the plan is. But every year the department adopts it, so it knows what it's doing. Because right now, particularly in 1988, the demand is high and the amount is low, and it's much more close to being in balance. In the early years it was like using gasoline if there was no OPEC--you'd just use whatever you needed, and you didn't worry about whether you had some for next year.

That was a reform I made in the department indirectly. Until the drought came we didn't even think about how to operate.

Chall: Some of those companies, maybe the ones in Tulare, when they couldn't get all the water they thought they were entitled to--that was the surplus--began to go into the ground. There was considerable depletion of their groundwater. Had you taken that into account, or was it just one of those problems you felt they had to face themselves?

Robie: One of the longstanding goals that I had, which was not successful, which has never been successful, was getting groundwater management legislation. We will probably talk about that later. They had the legal authority to do what they wanted, and I had to deal with the project properly. It meant to some extent that they overdrafted ground water.

The Strike of the Operation and Maintenance Employees

Chall: What happened with the strike at the operation of maintenance employees on June 13, 1979? When you reported to the California Water Commission on June 22, that was still going on, ten or eleven days later. You said that the governor had issued pay increase proposals for all state employees.

I don't know when that strike ended--maybe it was shortly after that--but what was the effect on the administration in terms of the action you had to take, and any of the bitterness or fear for the project that might have developed?

Robie: The strike was interesting. There had been one previous strike when Bill Gianelli was director. The reason was, in part, that two unions were struggling over who would be the ultimate

Robie: representative, because we didn't have collective bargaining. It was a power struggle between the unions. I strongly supported collective bargaining for state employees, as did the governor.

The big problem we had in the department was that we were operating under a civil service system. In other words, the job descriptions for hydro-electric plant operators were what some personnel board drafted. They couldn't make the job specifications the kind that you had in private industry, yet our people were competing directly with them. The same unions that were representing our employees were representing PG&E employees.

As an example, one of the perks industry frequently gives the employees is taking the pickup [truck] home at night. Well, taking a state pickup home at night violated all sorts of rules. Also our pay was significantly lower than that in the private sector. In fact, we had a wonderful training program. We trained these hydro-electric operators, and then they all went to work for other people.

Collective bargaining corrected most of those problems by letting them bargain their own terms. So today the wage schedule, the perks, all these things are not governed by personnel board rules that apply to the Department of Forestry or somebody else; they're able to fashion them to meet DWR.

The basic underlying problem of the strike was that there was nothing we could do to meet their needs. We couldn't give them enough money, and we couldn't give them other things because the system didn't permit it. So they went on strike. Bob James was put in charge of the strike because he was the one who took care of all difficult problems, and he negotiated the settlement. It did go past the five days absent without leave period, where everybody got technically fired. We gave them amnesty when they came back.

During the strike I traveled all over the state and visited all of the facilities. All the management employees were out in the middle of the desert running the project, and I visited all the management employees. On the weekend I chartered a plane and flew all over to boost their spirits while they were sitting out in the middle of the desert in the hot sun.

It was just an interesting experience. I think we managed it as well as we could. The project was sabotaged initially in Oroville when the strike began; they pushed a couple of buttons and the project went off line. But we got it back on line and everything running, and it ran fine until the strike was over.

Chall: How long was that strike? Do you have that data?

Robie: No. I think it was ten or eleven days or something like that. [checking through water commission reports] I just found that the strike lasted nine days. It was from the thirteenth through the twenty-second.

Chall: It probably ended soon after you met with the water commission.

Robie: I thought we managed it as well as you can manage strikes. We had a few minor incidents of violence, and somebody threw a rock through a state police car window.

They did two things that were funny to me, that might be sort of amusing. Before the strike I had been a hands-on kind of person with the staff. I met with all the employees once a year at their place of work. I'd travel all over the state, and I'd have meetings with them and I walked around the job sites, shook hands with people at their lathes and so forth. The labor relations people in the department told me I couldn't do that forever because when collective bargaining came there was a more clear demarcation between management and labor, supervisory and non-supervisory. But I really liked getting to meet with the employees.

In 1979, right before the strike, I had my annual visits. The first thing I did was go to Oroville. We were having a meeting in the operations center at Oroville, and at a specific time all the labor people got up and walked out of the meeting; the clock struck eleven, and they all got up and walked out and left me sitting there with my managers in an empty room. This was pre-strike. My managers said, "Robie, they're flexing their muscles and you no longer can meet with them as employees like you used to."

The final thing for this was when we got to Bakersfield. We used to meet at the water project in Windgap, but it was a ways south of Bakersfield, so we decided to meet instead at the Kern County Water Agency office. By that time we no longer met with all the employees; we just brought the supervisors over. So the supervisors all came over to the Kern County Water Agency office. The head of the project in that area picked me up in his car and drove us from the airport to the Kern County Water Agency, and we went in. We had our meeting, and when we came out we discovered that somebody had called a tow truck and towed away the car; they towed away the director's car while he was having this meeting as a means of protest. So the head of the department in that area found out where it was and got in another car and drove over, and just took it back without paying for it. [laughs]

That was the little preliminary to the strike. Now, of course, labor is labor and management is management, and everything is hunky-dory.

Chall: Did you solve the problems--?

Robie: Well, collective bargaining didn't really solve the problem until after I left, because they were beginning their negotiations. One union ultimately got the representation. There was a struggle because you had no exclusive representation, and yet unions were vying for the hearts and minds of the employees. I'm convinced that a structured labor-management relations system is much better than an unstructured one.

Chall: Was there difficulty with the personnel department over this kind of thing? They had to change their--

Robie: The personnel board basically was left out of a lot of decisions after collective bargaining.

The Western States Water Council

Chall: All the directors have taken part in the meetings of the Western States Water Council meetings. How did you view that council, as a value to you, or the department, or the state of California?

Robie: I was around at the first meeting of the council in '65, when I worked for the legislature, and my boss was an advisory member of the council. I liked it. I thought that the western states should work together. California was sort of the odd entity, compared to the other states; our laws were more progressive, we had more water quality concerns. At the meetings of the council, we tended to be radical on the council. I was in favor of water conservation, and I didn't knee jerk some of the traditional water development attitudes of the other western states that I considered to be way behind California in that regard.

I was the chairman of the legal committee for a number of years, although I never became chair, which Bill Gianelli was. I wasn't one of the boys. I felt it was very important that California be represented.

The Effect on the Administration of Governor Brown's Presidential Ambitions

Robie: Governor Brown never went to any governors' meetings; he never went to any of those interstate meetings. Finally, when he was running for other offices, he started going to national governors' meetings. I went to Washington one time with him to a national

Robie: governors' conference meeting, and he was the only person that anybody had the cameras on. I mean, there were important governors standing around, and people were saying, "Who are they?" And he was just an instant media star. So he went later to some of the national governors' meetings, but he generally didn't participate in anything else.

I wanted California to be there, so I went regularly and tried to buffer against Governor Brown. A lot of people all over the West and other places objected to Brown not being one of them and not regularly attending things. I was there to try to rehabilitate him as much as I could.

Chall: That wasn't just the Western States Water Council, because he wouldn't have normally--

Robie: No. I mean the Western Governors' Conference.

Chall: As a digression, what about the effect of the governor's running twice for the presidency during his term of office? Did that have any effect on your administration, or the general state administration at that time that you could see?

Robie: It had two effects. He was gone and we didn't have him to go over matters of importance to us. And the more he ran the more the original concept of being independent of everybody disappeared. The governor asked Rich Rominger, who was the director of food and ag[riculture], and myself, "Why don't the farmers like me?" Well, we had a lot of policies that they didn't like.

The governor really wanted to have a broader base, and that's the whole dilemma. If you keep everybody happy you are sort of bland, but they come and love you. If you are independent--you're anti-nuclear, you do things that rub people the wrong way--then they don't come and love you when you run for office. It hurt us because the water contractors and others felt the governor wasn't paying attention to things. They thought that (we're going to talk later about the Peripheral Canal) at times he didn't give his full attention to our legislative program, and things like that. So it did have a fallout.

The California State Interagency Group

Chall: How about the California State Interagency Group?

Robie: Oh, it was worthless and it didn't do anything. It was sort of a debating society. A bunch of agencies got together. I don't think I went very often, because it wasn't important enough.

Speechmaking and Other Contacts

Chall: You did a lot of speechmaking, and making contacts. In one of the appendices to the California Water Commission minutes you have a whole list of speeches, or members of your staff, made to the California Association of Water Agencies, Tulare Lake basin people, Audubon, Friends of the Earth, League of Women Voters, Sierra Club, et cetera, et cetera. Did you enjoy going out and making these speeches?

Robie: Yes, I did. In fact, I guess being a lawyer I enjoyed going into the den with the lion. I used to go down to Kern County and talk to them. I would always give them a good dose of what I thought they should do differently, but I also let them know that I was still running the State Water Project and I had their interests in mind. I felt it was important for the department and the director to be out there representing the department, and to the extent that I could cajole them into doing things differently, to do so. I did a lot of that, and I liked it.

[break for lunch]

Litigation

The Sierra Club and the Delta Pumps

Chall: I want to take up with you, to the extent that I know it, the subject of litigation. It isn't a great deal. You will undoubtedly know more. At one time in '77 you were speaking before the ACWA [Association of California Water Agencies], and you said to them, among other things, that when you came in you had seen no action since 1969 to provide the remaining water supply needed to complete the SWP, no progress on the Peripheral Canal, and more litigation than legislation.

Litigation seemed to be one of your concerns; at least it was what you talked about from time to time. In my research I picked up just a couple of cases. One was this long-standing one from '71 to '80 or '82 with the Sierra Club regarding the pumps in the Delta. That finally went to the Supreme Court and then came back to the district court, and ultimately ended up in your favor so that you could proceed to place additional pumps if you needed them. How did you deal with the Sierra Club on that?

Robie: That was interesting. That suit was filed before I became director, and I was told that a number of Sierra Club people were sitting around one day talking about how they could go after the Peripheral Canal. As a result of that concern they filed that lawsuit. It was interesting, because when I came on board the question was what will be our legal position. I didn't think the Sierra Club was correct on the Delta issue involving the pumps, but one of the issues of the lawsuit was whether they had the right to bring the lawsuit--whether they had standing to bring the lawsuit at all. On that position I supported the Sierra Club, and the water contractors didn't. That was one of the areas in which my orientation toward the thing was different from others, so we did not contest the issue of the Sierra Club's right to bring the suit. We did contest the substantive issue, as to whether we needed a permit.

The interesting thing was that when it went to the Supreme Court, the Sierra Club lost on the issue of whether they had the right to bring the suit, and we won on everything else. The net result of the Sierra Club's sort of whimsical challenge to the Peripheral Canal is that they no longer have the right to bring those suits. So they lost more than they ever thought of losing. I knew that was a critical issue, and that's why we supported them on it. But it was their lawsuit. They made their bed, and now they'll have to sleep in it. That's the net result.

Chall: I think there were some other cases, or maybe it was as a result of the decision, where large groups of people, organizations, weren't allowed to have standing in court. The Supreme Court through some decision gave them no standing--it may have been one of those Land for People things.

Robie: I wasn't too precise in my language. The Sierra Club suit involved standing in a general way, but it really involved whether there was a private right of action under the Rivers and Harbors Act. It's the same as standing, because if there's no private right of action you don't have standing, either. So they lost on the private right of action issue.

Chall: We've talked about the Salyer suit. Is there anything else in the way of litigation that you would want to cover?

Robie: I've already mentioned the power litigation, which was the most important that we brought. The only other litigation was that we filed a lot of briefs in support of other peoples' law suits. We supported lawsuits that we believed in, more so than the department did before. We were involved in a number of things, but we also had the famous 1978 case in California v U.S., in which the federal government had to comply with state water laws. We supported that.

The Wild Rivers Designation

Robie: The other litigation we got involved in was the federal wild rivers litigation, at the end of the administration when Governor Brown requested Secretary [Cecil] Andrus to place the wild rivers in the wild river system. In many respects, that to me is one of my major accomplishments as director--to get the federal wild rivers protection.

Chall: What was the litigation? I know what Andrus did; I didn't realize it went into litigation.

Robie: It was part of the Peripheral Canal package, and the governor signed the bill in August, 1980. It was in the last six months of the Carter administration, and the governor wanted to buffer the signing of the Peripheral Canal bill with a tying in of the wild rivers. Under the law you had to ask the secretary. The secretary agreed that he would put them in, but you had to do an Environmental Impact Report [EIR] and an Environmental Impact Statement [EIS].

We set up a special office in Sacramento of federal and state people in a crash program, because we knew we had to get it done before the end of the Carter administration. We worked for six months and came up an EIR in December. All along there was litigation brought by the water users to prevent it. There was a stay on it for some of the time. The EIS was finally finished in mid-December, and there was a court stay saying that they [federal government] couldn't act. On the nineteenth of January, the day before the inauguration, the stay was lifted by the ninth circuit.

Secretary Andrus was at a farewell party at the White House for President Carter, and he got a phone call saying that the stay had been lifted. Secretary Andrus then signed the wild rivers designation on the nineteenth of January. They actually sent me back to Washington; I was back there on the day after the inauguration to make sure that the new administration [of Ronald Reagan] didn't do anything to undo it.

The litigation went on after that. The state of California actually withdrew from the litigation, and the Environmental Defense Fund kept it going. We had supported it during the time we were there. In '82 when we left the litigation was going on; the new governor [George Deukmejian] didn't support it. But it nevertheless went to the court of appeals--the ninth circuit, which upheld the wild rivers designation, the Supreme Court denied review and it was all over.

Chall: That was a very exciting last-minute activity!

Robie: Right. And there was a lawsuit brought against myself and others on the ground that we used money illegally to set up the environmental impact report. Some of the water users were mad because we were trying so hard to get the wild rivers. We did use money from various state departments' budgets, by appropriate transfers to the Department of Finance, to fund the cost of doing the EIR. The governor just announced in August, "I would like to do this." It wasn't planned in the budget or anything. The lawsuits were all resolved favorably to us.

Chall: I've never understood an EIR or an EIS on projects which are not going to be developed. When you're not going to do it, how can you file anything like an EIR or an EIS that makes any sense, because they are really there for development purposes. At least that's why I thought they were set up originally.

Robie: I think you're generally right. When you have a wild river you can't do any development on it, so there were arguments that if you can't mine in the wild river area, then you'll have to develop alternate sources of whatever you're mining, and that will have an environmental impact. By preventing something from occurring you will cause another impact. By not cutting timber you will require something else. So it's the more attenuated aspects of it. Indeed, the mere fact of the wild river designation had a positive environmental impact itself on the river.

Chall: Well, that was a last-minute bit of excitement, wasn't it?

Robie: That was a last-minute bit of excitement.

Chall: That's locked in now?

Robie: Yes, that's in. It's a very interesting provision of the federal law, that the governor can ask the federal government to place rivers that are already in the state system into the federal system. They can go in by executive order, but they can only come out by congressional law. Nobody has seriously challenged them anymore. I believed in it as a symbolic thing. The truth is that most of the people in the water industry who knew what was going on knew that the likelihood of building any Eel River dams or anything was so low that it was just a dead issue. But it was kept alive by people who saw it as a symbol on their side. I saw it as a symbol of our management policy of being environmentally sensitive, so we considered it important to be in the federal system. In many respects it would have been no different either way, I suppose.

III SETTING AND DEVELOPING WATER USE POLICIES AND PROGRAMS: SOME MAJOR ISSUES

The Water Management Policy

Chall: In May and June of 1975, at various times and before different water-interest groups, you outlined your developing water management policy.* You talked about alternate sources of supply, including water exchanges, conjunctive use of surface and ground-water supplies, storage capacity, including planned, temporary overdrafting of groundwater, reuse of water to the maximum extent possible, instream uses, pricing for conservation, more efficient use of irrigation water, and more.

You said, "...the objective must be to provide a balanced program utilizing all available sources in a logical manner to maximize environmental and social benefits and minimize detriments."

You mentioned that you had some forty people reviewing a draft study plan [for water use], and that you were going to set up an advisory body with three former DWR directors and others in the administration, plus public representatives to consider how to integrate the water quality element into the department's supply element.

So, given all that background, let's talk now about your water management policy.

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Robie: You mentioned earlier reading my 1972 speech. In May of 1975 we announced a water management policy. That basically tracked with the '72 ideas, and that guided us for the whole eight years. If anything was our agenda, it was the water management policy of May 9, 1975.

*"Of Dinosaurs and Edsels," speech before the Association of California Water Agencies, May 9, 1975.

Robie: Looking back on it now, sometime later, it still seems to me to be progressive and incorporate all of the things that people are talking about today as being the most important. Use the already-developed supplies before you build new ones was directed toward the Bureau of Reclamation, which was hell bent on building new projects without using all of its existing supplies. Water exchanges and water transfers are still sort of "the thing" in the water business. I don't know how much they're being used, but it's still the innovative and creative idea of choice today.

Chall: Did you work that out first?

Robie: We weren't the ones who invented it, but we certainly supported it. The idea of using groundwater storage--right now in Kern County the department is embarking on a very important groundwater storage program for State Water Project water. We did a whole series of bulletins on pilot programs in order to get groundwater storage going. I mean, we spent a lot of time on that. I just think that says it all, as far as I'm concerned. Everything we did was consistent with the policy and an attempt to carry it out.

Integration of Water Quality and Water Supply

Chall: With the water quality element, you certainly were successful in dealing with that, I suppose.

Robie: There was a funny thing. The California Water Plan was something that was passed by the legislature in 1957, and it was based upon Bulletin 3, which was a great big, thick bulletin that talked about development all over the state. It was the California Water Plan. And it wasn't really a plan, because it didn't have a lot of pipe and things on it. It was a lot of stuff, but it was all development. When the Porter-Cologne Act was enacted and the law was amended, all of the water quality policies became a part of the California Water Plan. So that's where we got this water quality element.

I talked about the water supply element and the water quality element, because all the water people were still talking in terms of the water plan being the development side. Everybody ignored the fact that all the water quality laws and all their regulations and all the water board's policies became part of the water plan. Nobody made any effort to recognize that one half didn't have any more authority than the other half. That's when I talked about

Robie: the part that I had control over, which was the water supply part, had to be done consistent with the water quality part, which to me was really significant.

To this day there hasn't been any real success in integrating the two. The only thing we were able to do was to release Bulletin 4. That was a bulletin that I released--it finally came out in the last year of our administration. It was designed to be a policy document put out by the water board and the department together, and to incorporate the water quality and the water supply elements of the water plan and basically give it a modern update. The bulletin was violently opposed by members of the legislature, who thought that it was anti-development. We never submitted it to them formally to become part of the water plan because of that opposition. But we released it and publicly published it, and it's available--or was available.

Chall: You say it was opposed by the legislature--are you talking about a certain group?

Robie: Individual members of the legislature had been lobbied by water people, and they were threatening to pass a law that said it wasn't their policy. So rather than do that-- It looks pretty mild when you see it today--we did not make it formally a part of the water plan. It basically is this policy of 1975 plus the water quality policies. It's a wonderful little document, telling you what really should be done in water. But it was still too hot to handle for the legislature which, like the Congress, knee-jerks anybody who wants a project. As I say, we finally released it, and we selected the number Bulletin 4 because it was, to us, the successor to Bulletin 3.

Water Rights

Chall: What about water rights law? You had a commission to review that. That's a really tough one, and it seems to me that it goes down to what happened to the Peripheral Canal and all kinds of things. It seems to me that it affected more the groundwater issue than almost anything else, or am I wrong?

Robie: Two things. It was interesting, because you mentioned earlier that in 1972 or some early date I called for a review of laws. When I was at the water board I had put in an application for a federal grant to make a study of water laws. It was killed in Washington by Congressman [John] McFall and riparian users in San Joaquin County, who were concerned that we might come up with something that would hurt riparian rights. So it was killed

Robie: behind the scenes. I kept that in the back of my head--I guess I store more things there than I thought--and I made up my mind that if they killed our study, we would get one someday.

So in the middle of the drought we prevailed upon Governor Brown to have the Water Rights Review Commission. He created a very fine commission, headed by Chief Justice [Donald] Wright, who had written a major water decision and otherwise had not been involved in water. He was a marvelous man, and a great lawyer and judge. Chief Justice Wright headed the commission, and groundwater seemed to be the lightning rod. It was the one subject area that people got offended by most. Some of the commission's recommendations have been gradually adopted--not the groundwater ones, but the water transfer ones and some of the others.

The volumes of materials that were developed to assist the commission--its staff reports--are still some of the leading documents on the subject. The commission's report is a good report. It was before its time; the legislature still wasn't ready to implement it. I think we will look back some years from now and see all of it in the law. But it was a chance to at least attempt to make some progress in revising the laws. Just like the groundwater storage that's going on now in Kern County would have been a no-no when that commission was meeting. So times are changing.

The Coordinated Water Agreement

Chall: Water exchanges. We've already been touching on that. In 1982 apparently you began discussion to exchange Bureau of Reclamation and Department of Water Resources water. I think I read something in the material for 1986 that actually the Deukmajian administration had been able to effect some kind of real conclusion to this exchange between the bureau and the department.

Robie: Oh, the Coordinated Operating Agreement. Maybe that's what you are talking about. It was signed in 1983, I think, or '84.

Chall: That may be. I have something in 1986.

Robie: The Coordinated Operating Agreement was the agreement to coordinate the two water projects. The critical issue in it was whether the bureau would meet the water quality standards in the Delta.

Chall: You had a lot of communication over that.

Robie: We really negotiated it, and the EIR was done. Chuck Shoemaker was the negotiator on that. That was done in '82. Because of the new administration in Washington, the Bureau of Reclamation in Sacramento wanted to reconsider it, so they negotiated it for another two years. The final agreement was signed--I was there when it was signed, and I can't remember when it was; it may have been '86, in November.

When the Coordinated Operating Agreement was finally signed, it was basically the same agreement that we had. It hadn't been changed significantly. Even though we had gotten it down to the wire, it still took another several years to get done, mainly because the new regional director of the Bureau of Reclamation wanted to reconsider it all. He ended up coming to the same conclusions. They basically agreed to meet water quality requirements of the state.

Chall: Is there a water exchange policy? Given the engineering works and all that, is it legally possible now to exchange water from the Central Valley Project that might be considered surplus to it at the moment--?

Robie: Yes, I think so, most of the time it can be done without specific orders from the water board. But what the Coordinated Operating Agreement does is to allow the two projects to work together, pool their water. They keep accounting of it so they don't have to worry about whose water is whose, and they each have obligations to meet the standards. So instead of, like during the drought [of 1976] when they refused to release it and we had to release ours, everything is all one operation. It's very nice.

Chall: Is that major exchange and release done in the Delta?

Robie: It's done by pumping and by releasing, and not storing. In other words, if you don't store water in the reservoirs and just let it come down the river, that's one way of effecting it. You can turn off your pumps or slow down your pumps, and that's another way of doing it. So it's a combination of those things, and the two projects work in tandem.

Water Conservation

Chall: Let's go into water conservation. The question that I have is what and how do you conserve? There is talk about irrevocable losses, and how some conservation measures can actually cause soil damage. In some cases, it is reported that if you save water you would use less water from the SWP and it might cause a drop in

Chall: contract payments. There's the problem of use of surplus water and groundwater replenishment. It's full of technical as well as legal problems, it seems to me. I just wondered what your concerns were about water conservation?

Robie: Water conservation is another one of those wonderful issues. The whole water field is one of smoke and mirrors. Unfortunately there are groups of people who have such divergent views that they use a lot of other things to be their arguing device, just as we talked about groundwater and other things. Basically, water conservation to me is a code word for doing a better job of managing your resources, and just trying to make sure you don't waste it. It's not a panacea.

Unfortunately, a lot of environmental people think that conservation will solve everything. They tended to add up all the numbers of potential savings and say, "See, you don't need any more dams." The water industry, on the other hand, pointed out all the problems that you mentioned, which are legitimate, and said, "It doesn't serve any purpose at all."

My purpose in the whole thing was neither of those, but was just to force people to think, "careful use of water." So we used it more initially as a policy issue, just saying, "Think before you use water; think before you build the next project to make sure you're using the existing supplies." We agreed with the technical people.

For example, the Tulare Lake basin is an enclosed basin; none of the rivers of the Tulare Lake basin flow to the sea. So if you use water once, it goes into the ground or evaporates; it doesn't go to the sea. If you use it twice, it doesn't go anywhere either. In other words, you aren't saving anything. So it's 95 percent efficient. Of course, those people said that since it was 95 percent efficient, "everything we were doing is wonderful." But that's not true, either, because if you use less water you don't pump as much, you save energy, and lots of other things. Conservation is still important, but it doesn't release any water. On the other hand, when you save water in Sacramento, what you save doesn't go out to sea.

The problem is that everybody was so polarized that conservation became a bad name to some people, and the solution to everybody's problems to other people. I was always on the spot. I offended environmentalists with my agreement as to efficiency in Tulare.

The big savings is in Imperial. The one thing that came out of our department was a report that found that Imperial Irrigation District was misusing its water, under the regulations which we

Robie: adopted. When I was director we adopted regulations jointly with the board on how to implement Water Code Section 275, which is the waste of water law. The basic regulations say that the department investigates waste of water and issues reports to the board, and then the board has hearings and orders them [water users] to do something.

We issued a report finding that there was a misuse of water in the Imperial Irrigation District. It was very controversial, and the people down there hated the report. But it was right, and the water board then took that report, made a formal finding that they misused water--again, amid tremendous objection--and just as recently as a few days ago issued an order ordering them to save water down there.

Chall: How are they misusing it?

Robie: Because in the Imperial Irrigation District they have unlined canals, and the water that is sinking is not usable. And secondly, they had water that would go right through the ditch into the Salton Sea without ever being used. They wasted water by throwing water away without even using it. At least some people use it and throw it away! They actually had water which they couldn't use on their farms, and they couldn't turn off the canal, and so it just went into the Salton Sea. It was just like running your faucet in the sink all night long, whether you had any dishes in the sink or not.

So in Imperial, 400,000 acre feet of water wasted is a major scandal. We blew the whistle on them initially, amid horrible opposition from people. The MWD was a toothless tiger because they didn't want to offend their friends in Imperial. Even in the report which we issued on the subject, Dave Kennedy, who's now the director, said that water conservation over there was not feasible. I quoted him in the report because I wanted him to eat his words later, and I hope he does. Because the department is now actively working on this subject.

Chall: I thought that you had actually started proceedings--maybe I'm looking at material that came afterwards--so that the Metropolitan Water District could use some of that water.

Robie: That's the logical place for it. We had some private meetings encouraging them to use the water. The Metropolitan Water District is a very progressive water agency in terms of water generally, but they're very political and they were not ready to offend the Imperial Irrigation District which didn't want to do that. So they really didn't do it. They are now working on it, and there's a bill in Congress that would make it possible, actually.

Chall: Maybe that's what going on now, requiring them to line their canals and allowing water that isn't being used to go to Metropolitan?

Robie: Yes. Metropolitan is the one that should get it. We had reports that we issued on a number of occasions that showed 400,000 acre feet could be saved. That's water that everybody agrees can be saved; I mean, it really can be. The only adverse impact is to the extent that the water now going into the Salton Sea is keeping the sea from getting too salty. One adverse impact is that the sea will get saltier and the fish in the sea will die. So you will have an indirect effect. But it seems to me hard to let water go into an unusable body for that purpose. Although that same issue is in Mono Lake.

Part of the problem in Imperial was that the Imperial district and Coachella and MWD were all partners in the Colorado River, and they weren't about to get into a family feud over conservation, even though MWD knew and does know that there's an important source of new supply to them.

There were also people who felt that if we talked about that it would hurt the Peripheral Canal. Because the conservationists who opposed the Peripheral Canal during the election argued that that water was there, and we couldn't deny it. So we were told we had to suppress it; people told us to suppress it, which we didn't, of course.

The Colorado River Board

Robie: We stuck our neck out, and the governor supported us on that. I might say that during the time I was director we reorganized the Colorado River Board, which was another effort. We got it through the legislature because the governor helped us. We added three public members to the Colorado River Board, plus the director of fish and game and the director of water resources. As soon as we left office they amended the law partially back to the way it was.

The Colorado River Board was another case of a sort of special interest agency making state policy. That included the MWD and the Imperial Irrigation District. They were very thick in their operations over there. They controlled the Colorado River as a little fiefdom. Director Gianelli objected to that when he was director. He said that the Colorado River was a part of California's resources and the state should be running it, not just the users on the river.

The San Luis Drain

Chall: Let's talk about the Drain.

Robie: Oh, yes. We can do that quickly.

Chall: I hadn't seen much of anything, as I was going through your reports, on the Drain. Suddenly, by 1979, there it was--there was considerable activity again.

You were still having the problem of getting the San Joaquin farmers to commit to partnership in the development of the Drain with the Bureau of Reclamation. They claimed that they didn't contribute to the problem, which I guess is so. Still, there was this major groundwater overdraft. The [San Joaquin Valley] Interagency Drainage Program, known as the IDP, was established in 1975 to study the problem. Tell me about all that--the modeling studies and all.

Robie: Prior to becoming director, I watched Director [William] Warne try to create a drainage district. The problem is as you stated it. In the Kern County area we did it wrong. The bureau did it right, we did it wrong. We sold the water and created the project without providing for the Drain. We had it in the law but we didn't fund it. At least the Bureau of Reclamation and Westlands Water District built the Drain into the system. Now, they left part of it off by not providing an adequate area of disposal, but at least they put the drainage in with the water at the same time, which was right. We didn't. We built the State Water Project and we had a drain on paper but nowhere else.

The problem is that the drainage all goes to the center of the Valley, and various people contribute to the drainage in different amounts. If you only build a drain by charging people whose water actually goes into the drain, then you're letting a lot of people off and it's unfair. So what you really needed was some kind of taxing entity or some kind of method of determining a zone of benefit to pay for a drain.

So that was the first problem, how you finance the Drain assuming you could build one. The second problem, of course, was the absolutely hysterical attitude in Contra Costa County that no drain could ever go there. We did make some studies that showed that in truth and fact if you discharged the drain water way down in Contra Costa County, the impact on the bay would be relatively modest.

Chall: That is so, is it?

Robie: Well, we had some studies. Regardless of that, we knew that Contra Costa countians were just unalterably opposed. I did two things when I became director. The first thing I did was that I said I would consider putting some State Water Project money in there. Because it seemed to me that if we were going to build a drain that we ought to try to sweeten the pot by putting some state money in there and declare it nonreimbursable, which we could do legally, I think. In other words, I was willing to stretch the rules a little bit to try to get them moving, because I knew they wouldn't pay.

Secondly, I thought that if we had this drainage program, for the first time we would bring in people from the Contra Costa area, which we did, and environmentalists, and see if there was any possible chance that they could work out accommodation. I mean, in many respects we had agreement on the Peripheral Canal, on the legislation. The Sierra Club supported it once. So I was always the lawyer, I guess. I always thought you could bring people together and compromise anything if you tried hard enough. This is one that you can't.

So I started the IDP [Interagency Drainage Program], along with the other cooperating agencies, and I was naive and hoped that we could work it out. Of course, it just drifted onward forever, getting nowhere. But I never really cut it out. I reduced it in scope over the years because I felt it was not producing anything, but it was symbolic. The idea that we cooperated with the bureau on it was still important.

The only other thing that we did was-- It got into my head, as a non-engineer, that maybe we could desalt the drainage water. Looking back on it, it was sort of ahead of its time, because we didn't know about selenium in the Kesterson Reservoir at the time. So we invented the concept of the desalting plant down there, which we funded originally out of State Water Project funds. Then we eventually used the Investing for Prosperity money.

We decided a long time ago that desalting would never be a solution in terms of sea water desalting for California; it was too expensive, and had all sorts of problems. In the the Mideast or Kuwait or someplace, but not here. There were a lot of people who kept thinking that was the solution, just like conservation. We said that desalting has got to be reverse osmosis or some kind of waste water desalting. So we decided to build this experimental plant down in Los Banos to see if it would work, in the hopes that we could desalt the drain. It was a successful experiment. The equipment, after we finished using it, was dismantled and is now down in Orange County. It's beautiful. But, of course, we never really had a drain, and we were left with the bureau and their drain. I haven't read the final reports of the drainage program.

Robie: What happened in the last analysis is sort of interesting. The old Salyer/Boswell people are always the odd people out. They, having a lot of money and being very smart--I mean, they were not dumb adversaries--decided that they would do their own drainage. What most people don't know is that they bought a little district down there that had a four thousand acre foot entitlement or something. I can't even remember the name of it anymore. They bought this district, turned in it's contract, and used it as a big storage pond for their own waste water [The Tulare Lake Drainage District]. The Salyer/Boswell people, who were in Kings County, basically, have drainage disposal of their own through evaporation ponds. So it leaves Kern County without drainage.

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Robie: It doesn't even have to be a complete drain, because the Tulare Lake people have taken care of their own drainage. They're just ponding it and evaporating it. To the best of my knowledge they haven't had any Kesterson kind of problems right now. So they did it on their own. They had to have drainage, and they did it.

Chall: They won't have the Kesterson problems, I guess, if there's no wildlife.

Robie: Or if there's no selenium.

I went down for the groundbreaking of the desalting plant in 1982 at Los Banos. I wasn't around for the dedication. I think it was one of those projects that the new administration sort of kept at a low level after that. I was never invited down there again, so I haven't been there.

The Medfly Crisis

Chall: Now I'm going to slide through some minor issues. They weren't really minor, but compared to everything else we've talked about they might be. The medfly--

Robie: Oh! We didn't have much to do with that except that we used our technical people on it. One of the things the department did was maintain the levees of the Sacramento-San Joaquin Delta, the Sacramento River levees. Our people knew how to apply herbicides, because that's what they did when they treated the levees. So we used them as part of the team. I wasn't directly involved in the medfly crisis.

Pesticide Control

Chall: But you were involved in pesticide control, because at some point you actually did indicate that certain kinds of pesticides were banned. How did that come about?

Robie: Jerry Meral, particularly, on my staff was concerned about pesticides. He's a biologist, and that was one of his areas. I personally was committed to reducing toxics use in the project and in integrated pest management. So we banned certain chemicals on our own. We had the right to use them, we had the right to ban them; we didn't have to use them if we didn't want to. We also took the lead in getting rid of PCBs at the State Water Project, at great cost, and our contractors thought it was silly. We tried to set examples like that. We also hired some people, a number of different consultants, to work on special integrated pest management programs like research on squirrels and things like this.

And grass--we cut the grass on levees so you could see the squirrel holes. The question was, if you let the grass grow long and you let natural predators in, then maybe you would get rid of the squirrels better than either cutting the grass or using herbicides. So we spent some money on hopefully creative things. Not an awful lot came out of it, but we had a very committed staff and we did our best to reduce the reliance on chemicals in our levee maintenance.

Part of the problem was that we had trouble with the employees. I met with the employees on a couple of occasions, and they really liked to run their trucks and spray. They thought management was almost subversive in getting rid of chemicals. I couldn't believe it. But, you know, people whose daily job means doing something have a vested interest in doing it even if it is hurting them. It's very hard.

I was really shocked to talk to our employees at the yard over in Bryte and have them not at all concerned about it. I went over to Oroville and told somebody we were getting rid of PCBs. One of the employees there said, "Oh, I used to use PCBs to wash the grease off me." They used liquid PCB like it was a cleaning agent; people washed their hands with it! We were spending money to get rid of these things, and employees were saying, "So what?"

If you wonder sometimes why the public doesn't respond
[laughs]--

Mono Lake

Chall: All right--Mono Lake.

Robie: Oh, this is one I'm very proud of. Mono Lake is another one of those extraordinary issues; there are about eight or ten in which we took issues that people in the water management field just didn't like. Los Angeles was really a sacred cow. Los Angeles had the history of taking over the Owens Valley, buying all the land, becoming sort of the ultimate in landlords. Yet, over the years, I dealt with the people of Inyo County and Mono County, and because they were so integrally tied to Los Angeles they could never take them on. Most of the people who took on Los Angeles over things like Mono Lake were outside of the area. It was a curious love-hate relationship between Los Angeles and the local areas.

Los Angeles really had a stranglehold over Mono and Inyo, and nobody could release it. Los Angeles was very powerful in the legislature, and its allies were everybody who developed water. Because if Los Angeles could have its water supplies modified by the water board or somebody, then so could East Bay MUD. Everybody saw Mono Lake as a symbol of a water right that wasn't secure.

Physically, as you know, Mono Lake is a lake which is saline. The fresh water that used to flow into Mono Lake was diverted by Los Angeles before it got to Mono Lake. So the lake was going down and getting saltier, more saline, because the water was being diverted to Los Angeles. In order to solve the problem you'd have to stop diverting it. Then you would create the situation where the fresh water would flow, unused, from the mountains right into the lake, where it would never be used again for traditional consumptive uses.

On the surface it sounds like a waste of water, if you don't consider Mono Lake tremendously important. The argument was that that same acre foot of water that goes into Mono Lake helps a few brine shrimp, but look what it does in Los Angeles--it will take care of a family of four for a year, or run a factory, and so forth.

So the issues on Los Angeles were great. The litigation that began in '79, [the National Audubon Society case] resulted in a supreme court decision in 1983.* The governor was really

*National Audubon Society v. Superior Court of Alpine County (1983) 33 Cal. 3d 419 [189 Cal. Rptr. 346; 658 P.2d 709] as modified on denial of rehearing April 14, 1983.

Robie: concerned about the problem, so he created the Mono Lake task force, which was a governmental task force. It included the federal government, which was through the Bureau of Land Management, which eventually had jurisdiction on the area around the lake, and others, including the city of Los Angeles. It was staffed by our department. Jack Coe, a very capable engineer who was the head of our Los Angeles office, turned out to be the chief staff person on the Mono Lake task force. The Mono Lake task force studied the issue for a year or so and then finally issued a report supporting the reduction of flow to Los Angeles. The dissent in it was from the city of Los Angeles, of course.

It was to me an incredible thing to think that the state of California was able to take a position on an issue that strong, on which there was such opposition in Los Angeles. This is where Governor Brown was different from anyone else. The lawsuit was started in '79, the supreme court of California decided it in '83. The Mono Lake task force reported in November of '81, so it was two years before the public trust was enunciated by the court. The recommendation of the task force was the reduction of export from 100,000 acre feet to 15,000 acre feet; legislation to protect the water rights--in other words you could legally provide some protection--urban water conservation of 15 percent; more reclamation; and then purchase by the city of MWD replacement water.

Chall: I wondered why they hadn't thought of that before.

Robie: The way to resolve it was to have the MWD water be used instead. You would have 15 percent water conservation, but you'd recognize the water was needed. It was, to me, an amazing report. Huey Johnson was the secretary for resources and strongly supported it. Here you had a federal-state report that recommended significant changes that the establishment was wildly and violently against. So we were really pushing against the status quo.

Chall: The Mono Lake committee of citizens is still very strong. Apparently they're not satisfied.

Robie: Well, the report never got implemented.

Chall: Did you say this went to court?

Robie: No. All this time there was a case called the National Audubon Society case. In 1983 the California Supreme Court said there was a public trust in Mono Lake. It said there was a legal basis for changing Los Angeles' water rights. Prior to 1983, city of Los Angeles had a firm water right.

Robie: In fact, the irony of this whole thing, and I don't mind saying so, is that in 1974, when Los Angeles got its water right, I voted for it because I was on the water board--this water right that I later recommended be cut back. The reason was that the law in 1974 was that once Los Angeles had a vested right, the board couldn't change it. I remember very, very well asking Gavin Craig, the chief counsel of the board, before I voted on that, because I was worried about it, "Are you sure that this is a ministerial act?" In his opinion it was; that issuing the license, which is what the board did in '74, was a ministerial act and was not discretionary. So I voted for it.

Chall: Ministerial meaning--?

Robie: That we had to give them a license and we didn't have any discretion. The supreme court in 1983 said that the existing license could be modified by the board because there is a public trust. So the water board in '83 had the authority they didn't have in '74. But our report that recommended changing the water rights came before the law said they could do it. That's one reason why we had to provide replacement water. I mean, the report was designed to minimize the impact on Los Angeles, but nevertheless it still made a policy decision to save the lake.

Of course, MWD's argument was that they didn't have 85,000 acre feet of replacement water. "We only have enough for ourselves, and you'll have to take it from the Delta." Their political argument was, "Save Mono Lake and you'll hurt the Delta," which they thought was very clever and they would then get supporters in Contra Costa County to oppose the Mono Lake report. I mean, that's the kind of reasoning you get.

I was very proud of the Mono Lake task force report. It sits there, and some day Mono Lake will be saved. That report will be one of the things that people will refer to and say, "Well, they had an idea back then--"

Chall: You mean that maybe in some future day what's happening in Mono Lake will be reversed?

Robie: Everything is so funny when you're dealing with natural resources. After '81 or '82 or '83, the water years got pretty good up there, and they really saved the lake automatically. And that's what always happened. Over the years Mono Lake went up and down. And there were periods when there was a lot of water up there and Los Angeles didn't need it, and it was automatically being saved. For a lot of reasons the squeeze hasn't been on. There's an additional lawsuit that's pending now in court, which the Third District Court of Appeals just heard, on another legal basis for preventing the water from going into the lake. So the issue is very alive.

Robie: The original Mono Lake case, the Audubon case, was just sent back to Alpine County by the Ninth Circuit Court of Appeals. It was sent there to find a judge who was neutral; you couldn't hear it in Mono County. The case will go back to Judge Cook in Alpine County one of these days and it will go on its way. Maybe a few years from now we'll find out what happens.

The Pacific Southwest Water Plan

Chall: We'll watch it. This minor issue comes up once every few years and I think you more or less laughed it off: the idea that surfaces once in a while to transfer water from the Pacific Northwest to Los Angeles. The board of supervisors in Los Angeles came up with this, and I've seen it discussed many times before. Actually, while it seems now that it can't happen, it was sort of the pie in the sky that provided the impetus to stop the MWD from fighting over the Arizona project [Central Arizona Valley Project].

Robie: It had a factor in it, yes. Secretary of the Interior [Stewart] Udall in 1966 announced the Pacific Southwest Water Plan, which was a way of settling Arizona's problems.* It would have taken water from the Colorado to California, and then taken water from California to the Colorado. He was basically going to replenish the Colorado with California water, which meant you'd have an aqueduct going in one direction and the other. It was a classic political compromise. The response at the time from the city of Los Angeles was to develop what was called the Snake-California plan. They were going to go to the Snake River. They put together a report in just a week; it was almost a handwritten report. That resulted in them creating an Idaho Department of Water Resources. All the western states got hot.

Then the North American Water and Power Alliance [NAWAPA], which was--I can't even remember the name of the company now, but there was a commercial engineering company that produced that and advertised it, which would have taken water from great valleys in British Columbia and places.

Chall: I think there were even some iceburgs--

Robie: That was called NAWAPA, and that was a wild proposal. The only other thing that became of that was that Lieutenant Governor [Edward] Reineke was interested in an undersea pipeline. After

*See interview with William Warne, pp. 114-117.

Robie: they had abandoned all the ideas about bringing it over the land, they considered putting in an undersea pipeline on the theory that it would be at sea level the whole time and you wouldn't have any pumping. That was studied once. When I was director it was never viable. We just pooh-poohed it and made fun of it.

Innovative Resource Policies

The Renewable Resources Investment Fund

Chall: Tell me what the Renewable Resources Investment Fund was supposed to be.

Robie: This was Huey Johnson's idea. Huey was a very creative guy. He worked as secretary for resources, and prior to that he was with Trust for the Public Land, and The Nature Conservancy, which basically leveraged private funds into public benefit. His concept was that we need to keep our resources renewed by stream clearance, by better fire protection, by having controlled burns instead of fire fighting. There was a whole series of developments in the technology of forest management. He created originally, with the governor's approval a bond act on the ballot in 1980, I think, which was defeated--the Renewable Resources Investment Fund--that would have used money on a series of state projects that would produce a greater return than their investment by increasing our resources.*

He packaged it all in such a way that it was a prospectus that looked like a stock offering. It showed that if you spent so much money on stream restoration, you will have a greater production of fish. So your economic benefits from fisheries will be more than the investment. The concept was that things that you do for the resources of our state are really an investment, and you can actually measure their benefits. The concept was that we will have a continuing fund. It became a Brown administration priority. At one point this desalting plant was funded by what was called the Energy and Resources Fund, which was a twenty-year plan eventually to restore resources. That was its final title.

*Proposition 1, to provide for the issuance of \$495 million in bonds for such purposes as park acquisition, wildlife conservation, and water reclamation. Sponsored by Senator John Nejedly. June 1980 ballot.

Chall: [Reading from notes] The policy goals were for the year 2000, but implementation would be for-- Actually, that's called Investing for Prosperity that Huey Johnson designed.

Robie: That's the same thing.

Chall: I see. One came out in 1979 and the other 1981. Is that because--?

Robie: Investing for Prosperity was what it was called in '81. Originally it was called--

Chall: Renewable Resources Investment Fund. But it was the same thing?

Robie: Yes. It was Huey's major theme, and it was gradually refined and redesignated.

Chall: The governor did, despite the budget crunch, provide the Department of Water Resources with funds to begin the construction of the reverse osmosis plant and a few other things.

The Irrigation Management Information System

Robie: Including the CIMIS, which I have notes here on--a million dollars for the Irrigation Management Information System. That is one that I'm very proud of. That was done with the University of California and is still running and is very, very popular. They paid to put computerized weather stations where the farmer on his farm had a computer terminal and could call up the weather station and it would tell him how much water to irrigate. It would tell the farmer about the weather conditions. People would over-irrigate at times, so it let you know more precisely how much to irrigate and save a lot of water. The system has been expanded every year since I've been gone, and it's now going full blast all over the state. It's a very important element of farming. If nothing else, if you don't use as much water you save money, because water is expensive.

A Closer Look at Several Federal/State Relationships

Auburn Dam

Chall: We've touched on some state and federal issues and the New Melones Dam. What about Auburn Dam? That was sort of an up and down thing, too. Carter recommended deletion of funding, and then Andrus would not recommend reauthorization. Then there were the Delta water standards.

Robie: That's an interesting thing. A couple of things about that: number one, Governor Brown always supported Auburn Dam. When President Carter suggested a review, Governor Brown's response was that he wanted it built.

Chall: Why? There was so much hue and cry among the conservationists about Auburn Dam.

Robie: I had one conversation with the governor, and he said that to some extent this public works money would go other places, and he supported it here. He supported Auburn Dam throughout the whole administration. During the administration we sort of suggested that Auburn Dam be rethought, but we never stopped supporting it. That was actually his position. He took it personally and talked to us about it. I really don't know ultimately why he supported it. We had a lot of reservations about it.

When the Oroville earthquake came in '75, it resulted later on in questions about the earthquake problems at Auburn. We took positions that were sort of negative to Auburn, in the sense that we wanted to make sure that it was safe. A lot of people thought they could set the earthquake concerns aside. So we appeared to be opposing it, and we did slow it down and ask for a review of the safety and so forth. But we basically never said we didn't support the dam itself. My personal feeling is that it's not a necessary dam, and I don't think it really needs to be built.

The state didn't have a really good relationship with the federal government during the time I was director because they were still in their strong period of having all of their supporters in Washington, including Bizz Johnson. Every time I saw Bizz Johnson--I paid courtesy calls on him two or three times a year--Congressman Johnson would always start out by saying, "How is my dam doing in Auburn?" I never had anything good to report. Bizz Johnson was a totally pro-development guy who thought all these dams were wonderful, and so were others. As a result, the

Robie: federal government responded to political pressure, and the California political delegation was really gung-ho for these projects.

None of the urban legislators wanted to offend their rural friends by taking on their projects. So the urban legislators just went off and did something relating to urban areas. Even though he had a vast reservoir of potential opposition for some of these really damaging projects, none of the southern Californians got involved; they left their hands off him. So we were sort of swimming against the tide.

Meeting Water Quality Standards

Robie: The other thing is that when we were badgering the state, the state was badgering the federal government to meet water quality standards and cooperate. The San Joaquin Valley was divided into two parts, the service area of the state and the service area of the federal government. All of the federal government agency service people did not want to meet the standards because it would mean less water for them. So you had the Westlands Water District against meeting state standards.* Here's the poor state of California trying to get along with the federal government, and the federal government was doing all these inconsistent things.

Also, again, none of the state contractors in the San Joaquin Valley would take on the federal contractors. They were more together, even though against the state. So the state became the big enemy, and I had an obsession with making the federal government meet the state requirements. Of course, the Supreme Court said to in 1978, and now they have agreed by contract. The whole issue in the first Peripheral Canal bill was state and federal standards; that was the number one issue.

I didn't have a real close working relationship with the federal government; it was a rocky one. At one point we said we wouldn't transport any of their water in our aqueduct unless they were in compliance. And we turned off their water one time. We had people out there shooting at us, and we had to send our people out to turn the water off and on in the middle of the night so nobody could see them so they wouldn't be shot. I mean, it was just crazy. I finally had to retreat from that because I couldn't make it work.

*Ironically, the state standards were federally approved--by EPA. (R. R.)

Chall: Where was that, in the San Luis area?

Robie: Yes. In any event, the federal-state relationships were bad, but they were bad in part because of the circumstances, and they finally changed. Now, Secretary Andrus was the bright spot.

Chall: I was just going to ask you--it seemed to me you were fortunate, from your point of view, in having him as as secretary of interior.

Robie: Secretary Andrus visited the governor in either '77 or '78 (the election was in '76), prior to the Supreme Court [decision]. He came to California and visited the governor. We had a list of half a dozen things to talk to Secretary Andrus about, and one of them was the Delta. Secretary Andrus said, in the presence of the governor and the news media, "We're going to cooperate with California on the Delta." Secretary Andrus is a wonderfully environmental and sensitive man. He made that public commitment, and it gave a great boost to the state's position. The problem was that it was never really carried out by his agents. But it was significant, and they never really got too far off base because they couldn't go too far away from his policies. So it was sort of interesting.

It was an informal policy, and it was strictly political. I mean, if Governor Brown hadn't been Governor Brown and a Democrat, Secretary Andrus would have come out and probably met with the governor, but he wouldn't have done that. He, I think, had recognized the need to protect the Delta, and the state administration was strongly in favor of it; so he gave his support to it, and it was very important. That was at his level. Congress didn't support that, and neither did the local people in California until the Supreme Court came out in '78. Even after that they didn't agree.

Chall: He also said it was just a question whether the bureau would help finance the Peripheral Canal, which they didn't do.

Robie: In that regard Andrus was on the other side. He was environmental, so he didn't want to do anything to help the Peripheral Canal. This was interesting, because he took an aloof attitude on the Peripheral Canal, and his staff in California, then, took an aloof attitude on it even though they wanted the Peripheral Canal. Because they were to be our partners. So you had two sides of Secretary Andrus.

Acreage Limitation

Chall: In 1977 you set up a task force with the federal and state people. This had to do with the cooperation between the state and federal--Tony Kline, Richard Rominger, Bill Press, Robie, [Adolph] Moskowitz, Berge Bulbulian, John Garamendi, Larry Moss, and others. Was that to iron out--?

Robie: That dealt with the acreage limitation and federal reclamation law.

Chall: There's just nothing you can do about that in the state, so what was the problem here?

Robie: That was really related to acreage limitation.

Chall: But what were you going to do about it?

Robie: The Westlands Water District had a contract, and the requirement of the law was that after ten years they had to sell all the land that had been under the limitation. Southern Pacific was going to sell much of the land. The state was interested in getting the land broken up and helping people farm it. That was one effort the state made. The governor had a little group that toyed with trying to place people on farms and make it work.

There was a report of the task force out--I didn't really participate in it; it was really outside my jurisdiction--that dealt primarily with acreage limitation and matter relating to that. It did deal with water quality standards in one section, but other than that it dealt primarily with federal reclamation land and 160-acre limitation.

Chall: That's absolutely a losing cause, isn't it?

Robie: Yes. I think the governor got excited about it for a while, and then gradually figured it wasn't a winning proposition.*

Chall: I read this in your material, but I couldn't believe you were taking it on.

Robie: I wasn't. But they put out a nice glossy report. It was required by the federal government; I think the federal government set up the task force and the governor appointed somebody. It was to

*See interview with Ralph Brody, "Devising Legislation and Building Public Support for the California Water Project, 1950-1960; Brief History of the Westlands Water District," in California Water Issues, 1950-1966, pp. 22-24, 91.

Robie: decide what the federal government should do about resolving these acreage limitation problems that they had--the selling of land and so forth. And out of it came the Reclamation Reform Act because they did amend the Reclamation Act.

Chall: They did, and I think it is still being honored in the breach. It's very complicated; the issues are not yet resolved.

Robie: But I didn't get into it in detail. I had enough problems without that.

Non-Reserved Water Rights

Chall: What about your not very happy correspondence with Leo Krulitz, the solicitor?

Robie: Oh, on the non-reserved federal water rights? Solicitor Krulitz came up with the idea that the federal government can have water rights that were non-reserved. The understanding was that when you made a reservation for a national forest or whatever, you could have water rights sufficient for the forest, and those were reserved water rights. He expanded that to cover non-reserved water rights in an opinion of the solicitor, and all of the western states got very upset about it. That's one case where I was on the side of the water industry. We all agreed that it was a little farfetched. He was basically doing it for environmental purposes. The Supreme Court decided U.S. v New Mexico on the same day as U.S. v California was decided--

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Robie: --and narrowly interpreted reserved rights so that there was less water for the federal government. The solicitor wanted to get back and expand federal rights. After Jimmy Carter, the Reagan administration solicitor reversed his opinion, and it's gone forever.

The Carter and Reagan Administrations Compared

Chall: What were the differences between the Carter and Reagan administrations with respect to the issues we have been covering?

Robie: It's sort of funny. The Carter administration was very hostile toward water projects. They wore this on their sleeves and went out slashing at them, and then got everybody mad at them. I

Robie: I think this is one of the great ironies of the whole situation. The Reagan administration came in, widely admired by water project people, and Reagan was worse than the Carter administration. But they didn't say so.

Bill Gianelli, who became the assistant secretary, felt that there should be cost sharing on federal projects, beneficiaries should pay part of their costs. It was something he supported when he was the director in California. It made everybody mad, but there wasn't any money. The Reagan administration for years has been cutting back, and they have started fewer projects than anybody in history. But is anybody mad at them? No way! It's all a matter of style over substance. The Carter administration said, "We don't like the water projects, therefore..." and the Reagan administration just didn't build any.

The Bureau of Reclamation is being dismantled, literally; it's virtually non-existent. It's not out there drumming up any projects. Bizz Johnson's gone and the bureau is not working any alliances with anybody. George Miller is the head of the sub-committee [Water and Power Resources] and he doesn't like water projects; Mo [Morris] Udall is the head of the full committee [Interior and Insular Affairs] and he's lukewarm. The administration has had benign neglect, and nobody's mad at them! People still think, if you ask them, that the Reagan administration is gung-ho for water projects, but ask them what they've built, and they haven't built any. In other words, the way to get by with it is just to do nothing and pretend you're doing something, rather than make a splash.

Chall: The Carter administration was concerned about the so-called pork barrel.

Robie: And all they did was say they wanted to look at them, and it was like you had murdered your mother. Yet the Reagan administration did the same thing.

Chall: But they didn't say it; they just did it?

Robie: They just did it.

Chall: Well, I needn't even ask about the positions of Andrus and James Watt. I think you were still around a while when Watt was secretary of the interior.

Robie: Yes, Watt was secretary during the first two years of the Reagan administration. Well, we didn't have much to do with him. In our area he really didn't have any impact, on water.

Chall: George Miller has a lot of impact, or does he?

Robie: Yes, he does.

Chall: What is his impact?

Robie: He had a big impact in the Delta, in the settlements over the Westlands contract and the acreage limitation law. He was in favor of doing something for the Delta, so he made a big difference there, having somebody other than somebody like Bizz Johnson or some of the congressmen. Congressman Miller basically has been in a situation now where nothing is happening, so he hasn't really had to assert himself in most areas. I mean, there are no projects.

The Peripheral Canal Debate: Where Policies Meet Politics

The Review Study, 1975-1977

Chall: Now, everything came together with the Peripheral Canal. We've already talked about your Delta study, D1379, Teerink's concern about the canal. You said you were going to make a new study, and you did, and then you and your staff opted for the Peripheral Canal. It's very difficult to follow the trail. What was the relationship between you and the governor in '77--one of the crucial years in the debate--regarding the Peripheral Canal?

Robie: We need to go back to '75. In '75 the Peripheral Canal was still on the schedule. John Teerink in January deferred it for one year because it was a hot potato and he didn't want to do anything with it. He deferred it one year until '81, and I deferred it another year to give us more time. Then we decided to make a review, and that was to reconsider the needs and timing of the facilities, to deal with federal participation, to take a new look at alternatives--new protections for the Delta, an evaluation of fish protection facilities--which was one of the big hang-ups--and dry year criteria to make sure that it was going to be operating okay.

My hope was that the staff would be clever and would come up with something that wasn't the Peripheral Canal. That's what I hoped. Because everybody agreed that you needed a facility, which they still do. They're going to build something other than the canal, still.

Chall: Cross channels?

Robie: Cross channels. The big thing that the Delta people knew was that if it was in a confined canal they wouldn't get the water on the way. It's just like having a bypass around town like a freeway; if you know the cars are going to go through town, you know they'll stop at your gas station, but if they go around town they won't. They wanted the water to go through the Delta so that it had to go through the Delta channels before it got to the pumps. As long as it did, they knew they'd get it. Nobody could turn it off, because it had to go through. So that was really the issue: isolated facility versus non-isolated. That was the heart of the disagreement. The Peripheral Canal was the isolated facility.

I hoped that my staff could come up with something that would meet the needs of the canal without being a canal. They worked at it, we had hearings which we televised, and we did everything under the sun. We issued Delta alternatives reports, and we did have a couple of alternatives that are being talked about now. One went down just half way and stopped, and then it had another thing at the end. In other words, it went down to New Hope and then it used natural channels the rest of the way. It had some of the advantages of being enclosed. I had some really good people working on it: Bob Potter, Don Owen, Jerry Meral was there--people who really knew that if anything could be done to find something else, they would find it. And they came up with the Peripheral Canal.

I talked to the governor, because he knew I was doing it, but I hadn't talked to him about what to do. Charlie Fullerton, who was the director of fish and game, whose department always supported the canal--he and I said, "Let's have our staffs recommend to us. We'll have the head of the fish and game staff and the head of the DWR staff make the recommendation to us, and we'll release it with a big flourish, and we'll see what happens. If it gets shot down, we'll kill it before it gets to the governor. We have the option of going through a process."

Governor Brown's Early Commitment

Robie: So on June 3, 1977, I told the water commission that it had been recommended by the staff. We never got to the stage that Charlie and I recommended, because we met with the governor and he said, "When are you going to recommend it? I want to announce it." So the governor actually said before we did, "I want to build the Peripheral Canal." He didn't even let us go through this process. On June 13, the governor, exercising leadership, said to Senator [Ruben] Ayala, who was the chairman of the senate[Agriculture and Water Resources] committee, and Eugene

Robie: Gualco, the chairman of the assembly [Water] committee, "I want you to sit down and hammer out legislation to carry out this project."

So we did. We sat down in the governor's office, for a couple of days, with a whole bunch of people, representing all kinds of interests. They put out a bill that passed the senate Finance Committee, Senate Bill 346. They amended it without even printing it and passed it out on June 16; it passed the senate on June 23. So within a week it had passed.

Chall: Now, back up a bit. I have somewhere in my notes that on the twenty-third of February in 1977, the governor called a meeting of state and local leaders and began the formulation to complete the SWP to satisfy water needs to the year 2000. I guess shortly thereafter the Ayala bills, 344, 345, 346, came through. Was that all separate? When the governor called that meeting, what did he have in mind? What was going on? You probably were there.

Robie: That was before the recommendation of the Delta came out, so we started meeting to talk about the alternatives report. That was the report that had different alternatives. The governor went over them with me. There hadn't been any official staff recommendation. That meeting was held, and Senator Ayala immediately introduced his bills, most of which were unacceptable to us. I don't remember what they were now.

Chall: Yes, they were, except for 346, which provided \$900 million to construct the facilities in and near the Delta. You told the water commission that you probably could work with those bills to amend them. One, 344, would exempt the SWP from the provisions of CEQA [California Environmental Quality Act].

Robie: Which is crazy.

Chall: How could he do it? And 345 was to repeal the Wild and Scenic Rivers Act under certain conditions. You opposed that, even though it passed the committee--but that's probably as far as it got. But 346 is the one that everyone pulled on. Then, on June 13, the governor did call this series of meetings on the canal. What were they like? How did he show that he wanted it?

Robie: They were interesting. He personally met with them and said, "I want you to work something out; here's Robie, sit down and talk about it with him." We sat there and we negotiated. But the thing is that Senator Ayala was impatient with the governor, because we had taken two years, so he put in these three bills. His staff, Steve Macola, came up with these, I guess. The two of them were really absurd, and I don't know to this day whether they were trying to shock everybody or what. But building it without

Robie: going through the environmental impact process is just sticking environmentalists' noses in the dirt, and repealing the Wild Rivers Act would be just wacky. But it certainly got everybody's attention. So he was just trying to get the governor to do something, I think.

The First Version, SB 346: The Crucial Federal Role, 1977-1978

We responded in due course, and the governor said, "Let's go ahead." So we passed it out. The key provision of the bill, the leverage in it was that the federal government had to agree to meet the water quality standards before the canal could be built. And they had to have a permanent agreement in the Delta before you could build a canal.

The bill included everything that we had wanted, and this was the source eventually of great misunderstanding. It authorized a full set of new projects, but it didn't guarantee that they would be built because they were all subject to timing and so forth; it just listed the ones that we wanted. For example, it had the Glenn Reservoir, which was up in the mountains in Glenn County; it had the Cottonwood Creek project up there in Shasta County; it also included water reclamation, groundwater storage (which we are now getting); and it included Suisun Marsh facilities, and a dam at Los Vaqueros, which is still being considered, down in Contra Costa County.

The idea was that we would set aside the projects we wanted, which meant that we didn't build on the Eel River, of course. The strategy was to lay out the next twenty or thirty years and show where you'd go. The intention was that you wouldn't build any of these things until each one needed to come on the line. Of course, when the bill was discussed it was always put as a package and it assumed that everything would be under construction tomorrow. I thought it was an orderly way to do it; it was one way of guaranteeing you'd never go to the Eel River, because you didn't include it on your list.

The big problem was the federal role. At the time, in '77, we didn't have *California v U.S.*; we didn't have any guarantees the feds would meet the water quality standards. The water board had ordered the feds to meet the standards, but they had not agreed and they had challenged the water board's authority. In the Law Review article I wrote I point out that it wasn't until last year that the appellate courts upheld the board's authority.*

*Pacific Law Journal, July 1988.

Moving SB 346 Through the Legislature

Robie: We went to the assembly. The Assembly Water Committee had, in addition to Gualco, Assemblyman [Daniel] Boatwright, and a coalition of people who didn't like it. Gene Gualco, who was from Sacramento County and head of the committee at the time, voted for it and carried it. It's interesting that he didn't get any political flack from that. That showed that in '77 the Peripheral Canal was not that much of a negative. It became a negative over the period of three or four years. Robert Cline voted against it, I noted that. He was the spokesperson, basically, for the Salyer/Boswell interests, and they later on fought it bitterly.

This was the opponent's [Salyer/Boswell] theory: the bill would be passed and would authorize the Peripheral Canal, and would require a federal commitment to water quality. The Sierra Club and environmentalists would then go back to Washington, now that they had gotten the commitment to meet the standards, and work against the federal agreement to build the canal. So they'd have the standards but not the canal. The MWD stuck with us to the bitter end, however.

A lot of Republicans agreed with it, although it was not partisan originally, except that when Governor Brown started getting credit for it Republicans got goosey about it, because they didn't want him to take credit for it even though it was really his baby. That became a part of it. The opponents were convinced that the environmentalists would be disloyal to the commitment and would not go back to Washington and work on getting the agreement torpedoed. The bill had guarantees built in; it had the protection for the Delta that was in D1379. In retrospect, I suppose that nobody trusted anybody and the opponent's position was not so illogical.

Now, what happened was--Assemblyman Gualco's staff people were sympathetic to some of the Delta people. They delayed the bill and it lost momentum. Because remember, it passed in June in the senate [23-7] and it didn't get out of the assembly until September. It passed the assembly by a vote of fifty-eight to twenty-one. It was a good vote. It went back to the senate and it couldn't get a two-thirds majority. It did get two-thirds in the assembly. It got two-thirds in the senate the first time around, but it didn't the second time. One of the problems we had there-- We had a conference committee, as I recall, that was Assemblymen Gualco, [Larry] Kapiloff, [Gordon] Duffy, and Senators Ayala, [John] Nejedly, and [Peter] Behr. We had the support of the California Federation of Labor, the Planning and Conservation League (which was Jerry Meral's old group), the Sierra Club, the MWD, East Bay MUD, and the Santa Clara Water District.

Robie: The bill came back to conference committee in January of '78, and it then went to the senate where the final vote was twenty-one to fourteen, which ended it because it was a senate bill. So it lost momentum.

The enthusiasm that the governor had created and that hammered out its solution, negotiated in two days--which was a remarkable accomplishment--just didn't hold up.

Chall: How did he hammer it out? You used the word "hammer" just now, and you used it in your commission report.

Robie: He just called them all there, and the governor has enormous power. People don't realize that when the governor comes in the room with people, people are awed by it. I mean, people who might hate this governor--just like the president. He was doing what they wanted, basically. He was trying to get a water project for them. They didn't like all the details. When he walked in and said, "I want you to do this, I'm enthused," they just felt compelled, and they did things they wouldn't have done for anybody else under other circumstances.

That's just the way it is. Those things come and go. Very rarely in our history have people worked things out like this. I've never negotiated anything so fast; it just took a day or two. It gets down to my old theory, that I think you can negotiate almost anything.

Analyzing the Votes on SB 346

Robie: There was the first version. It's main flaw was that it was tied to the feds, but that was my obsession, I guess, because without the federal government it would have been nothing. The other thing that underlies all this is that I thought, and everybody else did, that anything as controversial as the Peripheral Canal could not be built without legislative approval. We are a democracy, still, and under the law I believe that the state could build the Peripheral Canal today without legislation, I believe it's the law. I always believed that. Because it says, "the delta facility."

Chall: But you need money.

Robie: Oh, yes, but it's there, too, because DWR can sell bonds. My idea was that you don't build something that's wildly controversial without a public behind you. The way to get the public behind you is to pass it in the legislature, and it really was the way to go. We had good support in the legislature. We were shooting for a two-thirds vote--that's the other thing; it had to have a two-thirds vote.

Chall: Because there was money attached to it?

Robie: Right. Anyway, we had a majority vote even at the very end, twenty-one to fourteen. If you have a representative democracy at all--we accomplished a lot. I look upon that somewhat proudly, although it ended up in the trash heap.

The Second Version, SB 200, 1979-1982

Robie: Senator Ayala then introduced Senate Bill 200, with a state-only Peripheral Canal, which was a problem. The reason was that you couldn't have a state-only canal because the federal government would be operating independently without the canal and would be causing harm, while you were operating in the canal. So it was difficult.

Chall: But you still let it go through. I wonder why, knowing as you did that it was a problem.

Robie: Well, it had the protective measures for the Delta; it just wasn't tied to the feds. Basically it had all the benefits of 346 without the federal commitments. That's the only thing different. It still had the Delta protection.

Governor Deukmejian as a senator voted against it on one issue. There was a section of the bill that said that the protection for stored water, requiring the projects to release stored water, was declaratory of existing law. In other words, the state water contracts were signed in the early sixties, but if this bill were passed and it was considered a new law, you couldn't change the contracts. So we had to say legally that it was not a new law, it was just an existing law, a statement. That's where Senator Deukmajian refused to vote for us on the very last vote in the senate.

The court of appeal, in the Racanelli decision, said that has been the law all along.* So had the bill gone through now it wouldn't have made any difference. I'll give you that Law Review, because it traces that background.

So 200 was the same. The only thing it did was that it didn't guarantee that the federal government would be part of it. But it put all the guarantees for the Delta in: protective

*U.S. v. State Water Resources Control Board (1986), 182 Cal. App. 3d 82 [227 Cal Rptr. 161].

Robie: measures for Delta, Suisun Bay, and San Francisco Bay. The guarantees were there, and that's why the MWD and everybody gritted their teeth--because they wanted the project enough and they were willing to accept that.

Chall: What about Senator Nejedly's SB 1361? It was supposed to go along with 200.

Robie: There wasn't any deal that we would go along with it. Two hundred was by itself. What happened was that Assemblyman Kapiloff became the chairman of the Assembly Water Committee, and he supported SB 1361. He was from San Diego. Senate Bill 200 was introduced [in the senate] in May of '79, and it didn't pass until 1980--twenty-four to twelve on January 23, 1980. The governor urged it in his State of the State address. Then it took until July to pass the assembly, fifty to twenty-eight; it passed by a big margin.

They had ACA 90 there, which was the amendment putting the bill's protections in the constitution. Assemblyman Kapiloff tied the amendment to SB 200, and Proposition 8 was put on the ballot in November 1980 and won, but did not go into effect, since SB 200 was repealed by referendum in 1982.

The Delta Protection and Wild Rivers Initiative, Proposition 8;
Peripheral Canal Referendum, Proposition 9

Chall: During June and July, according to my notes, the governor appeared before legislative committees and worked on ACA 90, and SB 200, and SB 1361 Nejedly. These were measures that the rest of the water agency people didn't want. What was his interest in this legislation?

Robie: He supported Nejedly's bill. Senate Bill 200 was passed July 7, and ACA 90 was tied to SB 200; they were double jointed.

Chall: The governor said they had to go together.

Robie: Well, they went together, so they had to pass them both. That's why the referendum erased them both. Senator Nejedly had a bill that the environmentalists wanted. I'll go back and put this in perspective. I don't remember what Senator Nejedly's bill did exactly, but I know the context.

Governor Brown was reaching toward '80 and the presidential election, and he was getting cool on the Peripheral Canal now. The reason he was getting cool was because it was having more

Robie: trouble. It was really hot in '79, and in '80 it was still doing okay, but he was getting cool. He still supported it; he urged its passage in the State of the State address.

Then Nejedly introduced his bill--I think it was a ground-water storage bill. He [Brown] supported it, but he didn't tie it together. But he sort of threatened people that if you don't pass that, I may not sign the other one.

As I remember, that was Gray Davis's idea. The governor did two things: he softened on the idea of SB 200; he wasn't as enthusiastic about it. Secondly, a lot of people thought that he was double crossing them by pushing the Nejedly bill and threatening to maybe not sign the other bill.

That's the other point I was going to make. The bill [SB 200] passed the assembly on July 7. It didn't have to be signed until August 30, because they had adjourned. During that period of time none of us knew whether he was going to sign the bill, even though we had spent two years working on it. He wouldn't tell us he was going to sign the bill. Then he announced he was going to appear on television on Friday, July 18, and we didn't know if he was going to sign it or not. On Thursday night [July 17] I went over to his office, and he said he was leaving for Los Angeles. I still didn't know whether he was going to sign it.

Chall: Did he know, I wonder?

Robie: I don't know. We had previously given him some ideas: we said that one thing you could do was sign the executive order on conservation, which he did, and you could also ask that the wild rivers be included in this system. "Since now people think that what you are doing is not environmental, you can add some goodies," which we had always wanted, like the wild rivers. Thursday night before the signature session he said, "Come down to Los Angeles with me and we'll work on the speech tomorrow."

So I flew down and stayed overnight at his house, which I had never done before or since. The next morning he went into a little room and hand-wrote his statement, consulting with me regularly, and by three o'clock it was almost done. It was to sign it. We called Senator Ayala and Assemblyman Kapiloff and told them to meet us at the governor's office in downtown Los Angeles.

It started at six o'clock, and I think at about five o'clock the highway patrol said, "You've got to get going, because at five o'clock on Friday you're going to be late for your own television program." We went racing through the freeways of Los Angeles and finally arrived at the State Building.

##

Assembly Passes 2d Peripheral Bill

Sacramento

A bill backed by Governor Brown to require water districts getting water through the Peripheral Canal to have water conservation plans was approved last night by the Assembly.

On its second attempt at passage, the measure by Sen. John Nejedly, R-Walnut Creek, received a 42-36 vote, one more than the majority needed. It went back to the Senate for consideration of amendments.

The bill was defeated 36-35 Wednesday, but backers got a second chance when they promised it would be amended to soften its impact on Southern California and San Joaquin Valley water districts.

The bill is an attempt to modify a bill, sent to Brown's desk this week, that would authorize construction of the 43-mile Peripheral Canal to take more Sacramento River water around the Sacramento-San Joaquin Delta to be pumped south.

Brown has said he wants to sign both bills together, although he has not flatly stated he would veto the peripheral canal bill if the Nejedly bill were not passed.

The Nejedly bill, backed by environmentalists and Northern Californians, would require state water officials to allow enough fresh water to flow into the Delta "to restore and maintain historical fish and wildlife levels."

It would also require peripheral canal water recipients to develop water conservation plans and set up

groundwater management studies, a section opposed by farming interests.

The bill's main Assembly sponsors, Speaker Leo McCarthy, D-San Francisco, and Assemblyman Lawrence Kapiloff, D-San Diego, said Nejedly had promised to take the bill back to the Senate after the Assembly approval and put it into a two-house conference committee to add amendments.

Those amendments would require water districts merely to submit water conservation plans to the state Water Resources Control Board, rather than have the plans approved by the board. They would also state that no water agency would be required to enter into a groundwater study.

Kapiloff called the bill "an attempt to put into place just a modicum of restraint on the part of those who must ship water from one basin to another."

But Assemblyman Richard Robinson, D-Santa Ana, said it was not necessary to pass the bill this week, before the Legislature takes its summer recess, or even this year.

"The Peripheral Canal's not going to be built while we're in recess," he said. "... If you're voting with the (Brown) Administration or the speaker on the understanding that you're going to get amendments, get them on the floor today" rather than expect them later.

Associated Press

July 11, 1980
San Francisco Chronicle

Canal foes lose out on state Senate bill

SACRAMENTO (AP) — Heeding pleas of southern and central California interests, a Senate committee Monday killed a water conservation bill backed by most Peripheral Canal critics and the Brown administration.

On a 6-3 vote, the Agriculture and Water Committee decided to hold onto the measure instead of sending it to the full Senate for a vote on Assembly amendments.

The bill, SB1361 by Sen. John Nejedly, R-Walnut Creek, would have required water agencies moving more than 50,000 acre-feet of water a year from one basin to another to prepare water conservation plans.

Those plans could then be used by the state Water Resources Control Board in determining how much state water an agency actually needed.

The bill was supported by most Northern California legislators, who fear that construction of the Peripheral Canal will enable central and southern parts of the state to take more and more northern water.

The bill would also provide greater environmental and water-rights protections for the Sacramento-San Joaquin Delta.

Gov. Edmund Brown Jr. called for enactment of the Nejedly bill last month in a televised address when he signed legislation authorizing the 43-mile canal, which would skirt the delta.

Nejedly's bill squeezed out of the Assembly after Brown hinted that he might veto the canal bill, and the administration promised to amend SB1361 to make it more palatable to southern and central parts of the state.

But before the measure could be sent to a two-house conference committee for revision, opponents sidetracked it to the Agriculture and Water Committee for what one bill supporter called an "indecent burial."

The committee spent about three hours hearing an explanation of the bill and proposed amendments and taking testimony, and then did what it had been expected to do.

Critics said the measure was too complicated to be pushed through in the last days of the Legislature's 1980 session, and one contended the state should stay out of the water conservation business.

"I don't agree that the state should mandate water conservation," said John Fraser, a lobbyist for the Association of California Water Agencies. "I think that's best left to the local people."

But Nejedly said the bill was a "very innocuous" form of conservation and that its critics were not facing reality.

"We ought to recognize the fact that we are in a very different era of resource management than we were 20 years ago," he said. "There are very visible shortages of water in some areas. These management techniques are long overdue."

Ron Robie, Brown's water resources director, said the administration would push the conservation issue again next year. "The water industry is very foolish in engaging in this hysterical rhetoric," he said.

Voting to hold the bill in committee were Sens. William Craven, R-Oceanside; Ken Maddy, R-Fresno; Walter Stiern, D-Bakersfield; Rose Vuich, D-Dinuba; Jim Nielsen, R-Woodland, and Ruben Ayala, D-Chino.

Voting against the motion were Sens. John Garamendi, D-Walnut Grove; Ray Johnson, R-Chico, and Dan O'Keefe, R-Cupertino.

Robie: The governor was flirting with the Nejedly bill, and I hope that for purposes of this historical review you can just tell what it does. He was flirting with the Nejedly bill because he was worried that in the middle of the presidential election he was going to make a non-environmental decision. I think that presidential politics had something to do with this.

Chall: As we get along in this, it seems to me that by trying to appease major water and agriculture interests with SB 200 as it was, and to appease the northern water interests and conservationists with Proposition 8--

Robie: Which is okay.

Chall: --with the wild rivers thing, and then saying at the same time, "We'll ask Secretary Andrus to place it in the measure for good," that you were going to alienate the water interests. How could he not realize that he was going to do that? Even the California Journal, the League of Women Voters--people who spent a lot of time on this--were all-- The Sierra Club had already left him. How could he not have understood that?

Robie: I don't know. Well, Senate Bill 200 was a good bill. It still had the protections for the Delta in it. As I say, it passed as late as July by fifty votes in the assembly, which is a good vote.

Chall: It was the voters out there; it wasn't the assembly.

Robie: I don't know why he started playing with that Nejedly bill and got weak on it. My problem was that if we didn't want to support something we shouldn't have done it in the beginning. We went all the way down the line, and I was under tremendous pressure. It was hard to explain to people how when a governor who asked for it in his State of the State address, supported it all year long, then suddenly when it passed didn't know whether he would sign it. It was not easy to explain to people.

Chall: Then later on he decided that he would vote for it [Proposition 9] when it was on the ballot, but he would not campaign for it. Because he hoped to be on the ballot also.

Robie: He was on the ballot. He was running for the Senate.

That was really the end of it. Once the t.v. program was over we walked out of the governor's office and went down to the main floor of the State Building, and there was Sunne McPeak having a t.v. interview in the lobby. That was really sort of the end of the whole thing.

Robie: The election occurred in '82, in June. Lieutenant Governor [Mike] Curb had set up a task force fronting for the Salyer/Boswell interests--they just kept beating away on it, and of course by that time things had changed.

The thing that was important to me was that as recently as '77, when Gualco supported it, it was not that much opposed. I realized the Bay Area people and even those in Sacramento County were violently opposed to it, but it took a long time to build that up.

Chall: To build up the opposition?

Robie: A surprisingly long time. So that was it. I felt that the package was as good as you could get. Now we have the legal guarantees in SB 200, which have been granted by the courts in the Racanelli decision.

Oh, just one thing: I spent a great deal of time before legislative committees--I had never spent so much time in my life. I went all over the state; I appeared hours before Senator Ayala and everybody. It was an interesting experience, indeed.

Chall: As I read through my collection of newsclips related to the canal, it looked as though some crucial amendments were constantly being promulgated in both houses and that the decisions were hard fought on both sides. Could you focus for a bit on Senator Ayala and his goals for the canal? How did he, for example, deal with the interests of both Senator Nejedly and Governor Brown to place environmental protections in the bill when the farmer and water interests were so opposed? These much have been exhausting years for him.

Robie: Senator Ayala was a very dedicated person, but he gritted his teeth and deferred to the administration. He is a former Marine and a tough opponent. He knew the administration demanded environmental protections, and he knew he could not get a bill without the governor's support. Hence he went along--with much displeasure with the governor blowing hot and cold.

Chall: What were your relationships with Senator Ayala? How did you work with him and his committee or staff?

Robie: I felt they were great. He is a fine, dedicated senator. We worked well.

Chall: What about the assembly? Speaker Leo McCarthy assisted Lawrence Kapiloff--or so the press would have us assume--in his measures to protect the Delta which were not always in line with what the

Chall: farmer and water interests wanted, or even Governor Brown, early on. How did you work with Kapiloff? Did you indicate interest in his positions, encourage the committee's work?

Robie: Larry was somewhat difficult to deal with because he often had impractical ideas, but we worked together well. I worked with him on Senator [Ray E.] Johnson's constitutional amendments. My big problem was that although I agreed with many of his ideas, they were not politically possible, so I had to reject them.

Chall: What happened the night of the election, as you were all sitting around watching? How did you feel?

Robie: I don't even remember where I was. I was disappointed. I did all I could; I couldn't do anything more.

Reviewing the Debate

Chall: Looking back, there's a tremendous amount of information here that I wouldn't consider emotional rhetoric [indicating a stack of papers]. A lot of people spent a great deal of time thinking about the meaning of this bill, whatever their concerns were; the California Journal analyzed it a lot over the years; the League of Women Voters analyzed it carefully; this is your DWR material. Marc Reisner gives it many pages in Cadillac Desert.

Robie: Oh, I know. Marc writes from an environmental perspective, and I don't think he's an impartial observer by any means.

Chall: No, he's not impartial. He writes about the size of the Glenn complex and the other facilities that were being planned. When you think of the size and depth of the canal itself, including those other facilities, it looks larger than might have been considered by just the cross-delta facility envisioned in the 1958 State Water Project legislation.

Robie: I think that's part of the problem. Each of the projects in there was designed to supply additional water when it was needed. They were not to be built unless they proved feasible at the time they were to be constructed. The way the water demand has slowed down now, those would simply be on the books as projects whenever somebody wanted to start them up. It wasn't like the federal government and the Auburn dam; they wouldn't be built until the need arose, because the state didn't have the money to do it, if nothing else.

Robie: As I say, it is completely misunderstood. The purpose of specifying projects in the bill was to make sure they wouldn't go to the wild rivers--to set up other ways. At one point there was even a provision in Senate Bill 346 that said you could build new facilities on the eastern side of the coast range. They used that language instead of referring to the specific projects. That was taken out because it was too general. You have to remember that there was going to be a report on the wild rivers in '83. It was a '72 bill and it took ten years to get the report, as required by the law. There were still a lot of people who wanted to dam wild rivers.

We had several objectives: Peripheral Canal, indeed, but secondly Delta protection, and that was written into the law. People don't realize that that bill had Delta protection that the water users violently opposed. They were giving up, at least at the time, what they thought they didn't have to do--making sure that the wild rivers were protected. Assemblyman Kapiloff stuck in the wild rivers constitutional amendment. Basically, the Delta would have been protected.

What's happened is that the courts finally got around to saying that the law is the way I thought it was all along, but other people didn't believe me. That's why we basically wrote into these two bills, SB 346 and SB 200, the provisions of the law that are now the law. The people who were concerned have now gotten the protections. They don't have the canal, but the other side got the protections, because they are now the law. I thought they were in there all along, except for the federal part; but the federal part is coming around as well.

Chall: The use of the wild rivers, referred to as the north coast, was in the Burns-Porter Act. They said that some time in the future we will use the wild rivers. The language for the cross delta channel was pretty mild; you really couldn't tell what it was.

Robie: The Peripheral Canal wasn't developed until '64, so it wasn't known.

Chall: The canal becomes much more than a channel.

Robie: Sure, it is.

Chall: Was the Peripheral Canal, minus the wild rivers, supposed to provide the remainder of the two plus million acre-feet of water needed to satisfy the State Water Project contracts?

Robie: Yes. But in truth and fact nobody was going to build on the wild rivers because the seismic conditions in the wild rivers and things are such that nobody would really build on the rivers. Most people knew that the wild river projects were really dead, but nobody believed it. You don't believe it now.

Robie: Kapiloff said we'll put it in the constitution; Andrus put it in the federal system. So they're gone. But they were dead before that. That's what the point is: people were arguing over issues that didn't exist, but you couldn't convince them of that. None of the conservationists believed that wild rivers wouldn't be developed until they had guarantees. Nobody believed in the Delta guarantees. The water users, if they had been smart, would have accepted the law and they wouldn't have had to have that. But they fought the Delta. The Salyer/Boswell people did not believe in Delta protection. They opposed the Peripheral Canal bill because it had Delta protection in it.

Here we have the environmentalists who didn't like it because of the canal, together with Boswell who didn't want the guarantees. They're all losing, because you ended up with the guarantees in the law anyway, the State Water Project can still take water, you still have an inefficient means of getting the water, and the fish are still suffering. I think that in the long run the canal is eventually going to get built; maybe not, but something like it should be.

The point is that now you're not going to need any of these upstream reservoirs for a number of years.

Chall: Nobody realized in 1960 that the water was not going to be needed as projected, and it probably still isn't needed as projected. Nobody knows what projections are anyway, or costs.

Robie: Right. It's never gone down, but it hasn't come up as fast as projected. That's why the state system is good, because we have not built anything that wasn't needed. Under the federal system you would have built stuff that wasn't needed. There's no way that any governor would ever spend any money on a new facility for the State Water Project if you couldn't show that you actually had a demand for it. I wouldn't have built it, and nobody else would have. That was built into Senate Bill 200.

After all, when you are doing an initiative campaign-- Look at the current presidential election; everybody is using slogans. Everybody added up the cost of the project. At that time, remember, we had inflation at 12 or 15 percent, so they escalated the project cost to billions. Now the inflation rate is 4 percent! If you took the cost for that package and used today's inflation rate, it would only be a fraction, or much smaller than it was in 1982 when you had the election. That's water over the dam.

Robie's Career after DWR: The Sacramento Judiciary

Chall: Let's finish up, then. You left the Department of Water Resources at about the same time as the governor. What were your options that you were considering?

Robie: Oh, I was considering going into the practice of law, which is my profession.

Chall: Out of administration, out of water?

Robie: Well, I would have been doing water if I could have.

Chall: Maybe in some consultant position?

Robie: Yes.

Chall: Who offered you the appointment to the judiciary?

Robie: Governor Brown.

Chall: Why did you accept it?

Robie: I guess because every lawyer would like to be a judge. That is really the ultimate for a legal person, to be able to decide cases. So I accepted. I was interested before that; I had let him know I was interested. He left the appointments he made in Sacramento until the next to the last day.

Chall: Did he appoint you to the superior court?

Robie: The municipal court.

Chall: You are now on the superior court.

Robie: Correct. I ran for office on my own in '86.

Chall: Do you enjoy this field?

Robie: Yes. I don't do very many water things, if any. I don't do any at all actually, but I love the law and I enjoy doing what I am doing.

The Deukmejian Administration and Water Policies

Chall: What have you seen of your concerns on water management and balance being carried out in the Deukmejian administration by Kennedy?



All six men who have served under Democratic and Republican administrations as Director of the State Department of Water Resources were present at Western Water Education Foundation's Water Briefing in Sacramento, April 22, 1985. From left to right are former Directors Harvey O. Banks, William Warne, William Gianelli, John Teerink, Ron Robie, and present Director David Kennedy.

Photograph courtesy of Department of Water Resources

Robie: Especially the groundwater idea. We didn't talk about a lot of the groundwater ideas, but groundwater was my theme the whole time through. The main problem was that the San Joaquin Valley people thought it meant regulation and they wanted the unfettered use of groundwater. My emphasis changed gradually from regulation to storage, although I talked about it in '77. I told them that groundwater storage can be the salvation for California's agriculture. I think that's the principal thing they've done.

They have now developed a real groundwater storage program in the southern San Joaquin Valley. They have also worked out the coordinated operating agreement, finished it and signed it. They have enlarged the east branch of the California Aqueduct, which is something we were in the process of doing. They have gone ahead with the pumps at the Delta, which we had begun. They've gone ahead with the North Bay Aqueduct, which is something we worked on. We established conservation planning as a prerequisite to building the North Bay Aqueduct. We had some controversy over that and insisted on water conservation as part of it.

Chall: North Bay?

Robie: That's Solano and Napa. They are working, albeit slowly, on the use of water from Imperial Valley and MWD. They will ultimately be on board on that. Those are the things--but the whole idea of water conservation as being important has been emphasized throughout the Deukmejian administration.

Chall: So Kennedy hasn't really changed any--

Robie: Oh, no. They are concerned, as I was, about water conservation. I created the Office of Water Conservation in '80, I think. My staff had a great problem with it because they said I didn't need an office because it was small. But I wanted to do it as a symbol; I wanted people to know that water conservation had the status of something else--energy. So I created an Office of Water Conservation. They have just reorganized, and I think they've eliminated the name of the office now, but it's a very high priority. They have continued all of the conservation efforts as far as I can see that I did, except the "save water" slogan. They have continued the agricultural management program.

I think we were ahead of our times, myself. The things that are being done now are being done because people have come to accept them. We were out there in front at the beginning and took a lot of flack, but now they're being done anyway.

Chall: What do you feel has been scrapped? Anything?

Robie: I don't know of anything in particular. I just think that we left the department in pretty good shape. We didn't have the Delta facility, but we had an energy program that was in pretty good shape. They've had to work on the contracts involving the geothermal, which were difficult problems they had that I left behind. They're moving right ahead. The demand has greatly dropped since I left. What I'm saying is that the agricultural users in Kern County have had real problems, and they're giving up some of their water supplies now.

Chall: What are those problems?

Robie: Economic problems. They were opening new land when the project first opened, beginning in '67--'71, I guess, down there. They were opening new land, developing it, and they were doing well, and they were exporting. They have now had a real drop in the economy down there and they are simply not able to use all their water. They're giving up their water and transferring water from the southern San Joaquin Valley. The State Water Project was in the full speed ahead mode when I was director, and now the valley is just fading out in terms of its demand. The urban demand is going up as projected. It's going up slowly but surely.

Chall: What do you foresee as the future problem with the land that is being wasted because of the salt build-up? Sometimes it looks as if the farmers are eating their seed corn, and yet there's so much land there that I suppose they don't care.

Robie: I really don't know. There's a lot there, but it's a matter of who owns it. I haven't kept that close track of it, but I think they're spoiling their own nest and there's going to be eventual reduction in the viability of agriculture in several areas because of it.

Recap of Several Major Policies During Robie's Term as Director

Groundwater Storage

Chall: We have come to the end of my outline. Is there anything you would like to add that we didn't cover?

Robie: I don't really think there's anything else. We did a lot of things on groundwater storage. Back in '76 I gave a speech that cited Carley Porter, and we put out bulletin 186 in 1977, in our third year, that was the prototype groundwater storage program.

Chall: You were saying that you thought you could regulate groundwater?

Robie: We thought we could take water, put it underground, and take it out later and use it as a storage dam. That's what they're doing; they're going to do it, it's in the process. We did a lot of studies, and even had a Mojave water agency recharge program in '78. We took 22,000 acre feet and put it underground.

My idea was that one way to force the issue is to do it. So I found a contractor of ours in the San Bernardino district who was willing to work with us. It was strategy, basically. You know, the MWD was dragging its feet, so we said we would do it with San Bernardino. They actually had one program. We had a big ceremony and we stored it underground. We did it, showed them that it could be done. Things were foot-dragged from then on, but in the beginning of the '80s it came back again, and now it's in good shape. The water contractors are moving toward it--things that they had objected to before. So I feel good about it.

Chall: With respect to groundwater replenishment, was there some problem with the water rights laws?

Robie: Sure. The water rights law is still defective. You do not have the ability to control in a basin who takes what, unless it's one of those southern California basins with a management plan. You can steal from your neighbor and you can overdraft with impunity. The only answer is to bring a gigantic lawsuit, and that's not practical. So the problems of groundwater exist, except that up until this year we've had pretty wet years and the groundwater basins have come back again.

Groundwater basins go up and down. During the war years, the '40s, the groundwater basins in southern California were chock-a-block full. Later on they got drawn down terribly in the early '60s. When they get filled everybody says there is no problem. Now they may go down again. When we had these hearings in '77, we could show real problems with groundwater; but water supplies got better in wet years.

Chall: When the supplies are overdrawn and there's subsidence, can that be reversed?

Robie: Subsidence can't be reversed, but there hasn't been that much subsidence. I mean, there has been subsidence, but there are many areas like in southern California where the groundwater basins have gone up and down without any significant subsidence. You don't really lose a lot of storage space with subsidence; you might have some problems on the surface, but there isn't any real loss of storage capacity of any consequence--as yet.

Waste Water Management and Reclamation

Chall: So groundwater replenishment is moving ahead. What about waste water management?

Robie: Waste water reclamation has never met its potential. One year in the Brown administration the governor assigned water reclamation to the water board. We had some meetings, and he assigned water conservation to the department, and water reclamation to the board. The board created an office of water recycling. The governor set a goal for them to get people recycling, because it's really directed to the waste treatment process.

As years have gone on, along with all the toxics problems, people have now measured what's in water. And nobody's too enthusiastic about pushing waste water. I mean, there's so much terrible stuff in waste water, and we now are able to measure it. There was always opposition to using it for potable purposes, but there's even more now. So I think water reclamation is a dead issue except in certain areas where it could be used for irrigation and things like that. But in terms of ever developing a system where you use it for real uses-- Sometimes people thought about having a dual system where your lawn would be watered with reclaimed water, and your house would be run on something else. But those were all too expensive, and water reclamation just never made it.

Chall: It's interesting how these theories move with the times.

Robie: Well, you know, there could be all sorts of terrible stuff in waste water now.

Chall: So, conservation is not as easy as everyone thought it might be?

Robie: No. But conservation still is the best hope, and possibly reverse osmosis desalting.

I'll leave these materials if you will send them back to me. These tell you which water commission speech was excerpted.*

*The materials referred to are excerpts from Ronald Robie's reports to the California Water Commission, arranged by topics. Copies of these and Robie's personal papers will be deposited in the archives of the Water Resources Center Library on the Berkeley campus of the University of California.

Chall: I'll make copies, and we can put them in the archives. Are you familiar with the Water Resources Archives at Berkeley? Gerry [Gerald] Giefer, who's the librarian, would very much like to have your papers, which I told him you had told me were stored in your garage. The library is an exceptional resource for research on water.

Robie: Okay, you can have them.

Chall: Thank you very much for setting aside a day for the interview. I appreciate it and so will the students of California water history--a never-ending subject for research.

Transcriber and final typist: Judy Smith

TAPE GUIDE--Ronald B. Robie

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APPENDIX--Selected Biographical Details

RONALD B. ROBIE

Judge of the Superior Court

800 H Street, Sacramento, Ca. 95814. (916)440-7164

Appointed Judge of the Municipal Court, Sacramento Municipal Court District, January 2, 1983 (Gov. Brown); Elected November 6, 1984; Elected Judge of the Superior Court, June 3, 1986 (term ending 1993); Appointed June 23, 1986 (Gov. Deukmejian).

Born: March 13, 1937, Oakland, California
 Married: Lynn DeForest, August 30, 1958
 Children: Todd 28, Melissa 21

University of California, Berkeley, A.B. 1958 (with honors, Phi Beta Kappa)
 University of California, Berkeley, M.J. 1960
 University of the Pacific, McGeorge School of Law, J.D. 1967
 (With highest honors)

Adjunct Professor, University of the Pacific, McGeorge School of Law, 1970-Present (Water Law, Environmental Law, International Law of the Sea)
 Member, California Judges Association; Chair, Technology and Courts Committee, 1988-89
 California Reporter, Rocky Mountain Mineral Law Foundation, Water Law Newsletter, 1974-Present
 Member, Board of Trustees, National Multiple Sclerosis Society Mountain-Valley Chapter, 1980-Present

Staff Director, Assembly Committee on Water, California Legislature, 1960-1969
 Member, State Water Resources Control Board, 1969-1975
 Director, California Department of Water Resources, 1975-1983
 Chair, Water Resources Committee, American Bar Association, 1974-1976
 Chair, Legal Committee, Western States Water Council, 1978-80
 Delegate, National Conference of Special Court Judges, 1985

Associate Justice Pro Tem, California Court of Appeal, Third Appellate District, November 1984-January 1985. Published opinions: Davert v. Larsen (1985) 163 Cal. App. 3d 407; Perry v. Heavenly Valley (1985) 163 Cal. App. 3d 495; People v. Smith (1985) 163 Cal. App. 3d 908; Nelson v. Hall (1985) 165 Cal. App. 3d 709; In re Damon H. (1985) 165 Cal. App. 3d 471; People v. Pitmon (1985) 170 Cal. App. 3d 38. Associate Justice Pro Tem, California Supreme Court, Peo v. Collins (1986) 42 Cal. 3d 378.

JUDGE RONALD B. ROBIE
SACRAMENTO MUNICIPAL COURT

BIRTHPLACE: Oakland, California
March 13, 1937

RESIDENCE: 1399 San Clemente Way
Sacramento, CA 95831
Phone: (916) 421-1485

EDUCATION: Bachelor's Degree, Speech, Journalism, with
honors, University of California at Berkeley,
1958.

Master's Degree, Journalism, University of California
at Berkeley, 1960.

Juris Doctor Degree, with highest honors,
University of the Pacific, McGeorge School of
Law, 1967 (No. 1 in class of 27).

FAMILY: Married, Lynn DeForest; Children, Todd 21,
Melissa 15.

PROFESSIONAL EXPERIENCE

Ford Foundation Legislative Intern, California Legislature, September
1960 - July 1961.

Consultant, Assembly Water Committee, California Legislature,
July 1961 - April 1969.

Administrative Secretary, California Advisory Committee on Western
States Water Planning, February 1966 - April 1969.

Private practice of law (part-time), December 1967 - April 1969.

Lecturer in Law, Sacramento State College, 1969-1970 (Business Law).
University of California, Davis, School of Law, 1973 - 1974
(Water Law).

Adjunct Professor of Law, University of the Pacific, McGeorge
School of Law, September 1969 - present. (Water Law, Environmental
Law and International Law of the Sea).

Member, State Water Resources Control Board, April 1969 - October 1972;
Vice Chairperson, October 1972 - February 1975.

Chairperson, Water Resources Committee, Section of Natural Resources
Law, American Bar Association, August 1974 - 1976.

(March 1983)

Director, California Department of Water Resources, March 1975 - January, 1983.

Chairperson, Western States Water Council, Legal Committee, 1978 - 1980.

Member, Western States Water Council, 1976 - 1983.

Member, Colorado River Board of California, 1977 - 1983.

Member, Governor's Commission to Review California Water Rights Law, May 1977 - 1980.

Member, Board of Directors, Interstate Conference on Water Problems, August 1977 - 1982.

AFFILIATIONS

California Judges Association
 American, California and Sacramento County Bar Associations
 Phi Beta Kappa
 California Alumni Association
 National Multiple Sclerosis Society
 Sigma Delta Chi (Professional Journalistic Society)
 United Presbyterian Church
 Commonwealth Club of California

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Wage Rate Analyst with the Twelfth Regional War Labor Board, 1943-1945, specializing in agriculture and services. Research and writing in the New York public relations firm of Edward L. Bernays, 1946-1947, and research and statistics for the Oakland Area Community Chest and Council of Social Agencies 1948-1951.

Active in community affairs as a director and past president of the League of Women Voters of the Hayward Area specializing in state and local government; on county-wide committees in the field of mental health; on election campaign committees for school tax and bond measures, and candidates for school board and state legislature.

Employed in 1967 by the Regional Oral History Office interviewing in fields of agriculture and water resources. Project director, Suffragists Project, California Women Political Leaders Project, and Land-Use Planning Project, and the Kaiser Permanente Medical Care Program Project.

