

California Governor Jerry Brown has had a most eventful 2015, especially when it comes to environmental policy. He started the year fresh from an overwhelming election victory last November, earning him an unprecedented fourth term as California's chief executive.

Brown began 2015 by declaring a state drought emergency and becoming California's "educator-in-chief," repeatedly warning state residents of the perils of and measures needed to respond to California's four-year, worst-ever drought. And this summer Governor Brown has positioned himself as perhaps the world's most prominent sub-national political leader when it comes to the global challenges and opportunities associated with climate change.

His highly-visible speech at a Vatican climate change conference convened by Pope Francis last month cemented that role: Brown urged world action largely consistent with that advocated in the Pope's recent climate change and environmental Encyclical. (Governor Brown was a Jesuit seminary student in his youth, before embarking on a long career in politics.)



California Governor Jerry Brown speaking at the Vatican, July 2015
(Associated Press)

But all is not well in Governor's Brown's political universe, especially among his California environmental constituents. While supportive of Brown's positions on the climate change and drought fronts, many of those groups have been openly and loudly critical of the Governor's positions on a number of environmental issues near and dear to their hearts.

Environmentalists' dissatisfaction with Brown is mainly focused on three high-profile, ongoing environmental controversies in California:

- The Sierra Club and other environmental activists are unhappy that the Brown Administration allows hydraulic fracturing (a.k.a. "fracking") to continue in California's oil and natural gas fields, citing potential groundwater contamination, subsidence and earthquake hazards associated with the practice. While state law commits the Administration to conduct a detailed environmental review of these issues, environmentalists much prefer the ban on fracturing that New York Governor Andrew Cuomo has ordered in his state, but that Brown has declined to impose.
- Brown has positioned himself as at least somewhat hostile to California's bedrock California Environmental Quality Act (CEQA); he has famously stated that "I've never seen a CEQA exemption that I don't like." While the Governor sought CEQA exemptions for a number of drought-related water recycling and groundwater projects as part of this year's budget process, he was only partially successful in obtaining those exemptions from a skeptical Legislature. Environmental lobbyists in Sacramento

were not amused, and fear further weakening of CEQA by the Governor's Office in the future.

- Governor Brown remains fully committed to a "fix" of the Sacramento-San Joaquin Delta that would simultaneously make shipments of water from the Delta to central and southern California more reliable and bring some measure of environmental health back to the Delta's crashing ecosystem. (Governor Brown proposed an earlier version of his Delta fix in his first two terms as Governor in the 1970's and early '80's, but was unsuccessful.) Enviro's are concerned that Brown will wind up sacrificing the latter objective for the former if the Administration's current "twin tunnels" project is built.

So: which view of Jerry Brown's environmental record is more accurate? Should he be praised as an environmental visionary who's been largely successful in translating that vision into state policy? Or is his environmental legacy mixed at best, with criticism warranted for a number of the Governor's policies?

I'm here to praise Governor Brown's environmental record, and believe that Jerry Brown 2.0 (i.e., in his third and fourth gubernatorial terms, 2011-present) will go down in history as California's "greenest" chief executive. He's fully deserving of the considerable praise he's received on the drought response and climate change fronts, along with such other cutting-edge policies as energy efficiency standards, renewable energy siting and transportation (including High Speed Rail).

And I believe much of the heat Brown is receiving from members of the environmental community is misplaced. Here are some particulars:

Like many observers, I too am troubled by the potential adverse environmental effects associated with widespread fracking in California. But legislation passed in 2013 (SB 4 (Pavley)) commits the state to the more moderate course charted and currently being carried out by the Brown Administration on the fracking front. The Governor would be subject to justifiable criticism if he rejected that legislative path in favor of a Cuomo-type ban on fracking while the state's environmental assessment is being carried out.

The Sacramento-San Joaquin Delta remains the Gordian knot of California water policy. The only thing on which virtually everyone agrees is that the Delta is currently broken: the state's complex water delivery system, of which the Delta is the centerpiece, is only one major earthquake or flood away from collapsing. Past operation of that system, along with a host of other environmental stressors, has left a once-vibrant Delta ecosystem on the brink of environmental destruction. So the Delta status quo is simply unacceptable and

unsustainable. But environmentalists have largely failed to advance a Delta fix of their own that would address both the ecosystem threat and the water delivery needs upon which 23 million Californians depend. If the environmental community has a better plan than Brown's to fix the Delta, they haven't publicized it. And doing nothing, as noted above, is not an option.

On the CEQA front, Brown likes to complain about CEQA's perceived excesses, but my hunch is that he doth protest too much. As California's Attorney General, Brown used CEQA aggressively and well to challenge local governments he believed were ignoring the climate change impacts associated with their land use planning decisions. And the Governor's Office of Planning and Research has quietly been doing some good work using CEQA to advance environmental justice goals, streamlining the CEQA process without weakening the law, etc.

Which leads to a final, largely under-the-radar reason why Jerry Brown will likely be remembered as the best environmental governor in modern California history: he has appointed an extraordinarily talented group of men and women as his senior environmental policymakers. Mary Nichols has most ably led the California Air Resources Board as it adopts and implements cutting-edge climate change mitigation and conventional air pollution control strategies. State Water Resources Control Board Chair Felicia Marcus has been thoughtful, firm but fair in overseeing California's drought response efforts—an unprecedented challenge for the Board. Secretary of Natural Resources Secretary John Laird leads the state's climate change adaptation efforts, and he's cleaned up dysfunctional programs he's inherited at the state's Department of Parks & Recreation and Department of Conservation. Matthew Rodriguez is quite simply the best Secretary of the California Environmental Protection Agency in the history of that cabinet post. And the Governor's key environmental advisors within the Governor's inner sanctum are Ken Alex and Cliff Rechtschaffen, two scary-bright lawyers and law professors who command enormous respect from the business community and environmental activists alike.

In short, California Governor Brown deserves considerable credit for the environmental policies he's championed and implemented. But kudos also go to the Governor for the all-star team of environmental leaders, managers and advisors he's assembled in his Administration. They're a key part of the reason why Jerry Brown is far more environmental saint than sinner.

