

TAPPING THE PACIFIC OCEAN FOR WATER ABUNDANCE

HOW FEDERAL INVOLVEMENT CAN MAKE LARGE-SCALE
SEAWATER DESALINATION A REALITY IN CALIFORNIA

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The Promise of Seawater Desalination

California's ongoing water scarcity threatens not only the state's population and economy, but national security and global commerce. With 27 million residents living in coastal counties, large scale desalination is a timely solution. Here are the facts:

- Construction cost per yield can be less than building reservoirs.
- Environmental benefits far outweigh environmental impacts.
- Energy cost is roughly equal to aqueduct pumping.

Why Not More Large-Scale Desalination in California?

State and federal laws, regulations, agencies, and litigation stand in the way:

- Submerged Lands Act of 1953 gave State title to tidelands needed for desalination facilities.
- California Coastal Act of 1976 gives Coastal Commission authority over public and private projects in the Coastal Zone.
- Coastal Zone Management Act gave Coastal Commission a role in approval of some activities on federal land.
- California and federal environmental regulations, including CEQA and NEPA, provide opportunities for complex, lengthy, and costly litigation challenging approved projects.

Ways the Federal Government Can Help:

- By exercising its authority under existing federal laws to supersede state regulatory authority.
- By preempting state regulation of seawater desalination facilities through new legislation.



Utilizing and Amending Existing Federal Law: #1 - Coastal Zone Management Act (CZMA)

- CZMA now brings Coastal Commission into regulatory process for federal activities through “consistency determination.”
- But CZMA does not give Coastal Commission unlimited authority over federal activities.
- At end of lengthy process, President can override Coastal Commission objection and exempt the activity.

Utilizing and Amending Existing Federal Law: #2 – Submerged Lands Act (SLA)

- The SLA gave federal tidelands to the State. Desal facilities must cross those State tidelands.
- Lease from State and Coastal Commission approval generally required.
- But SLA reserves “paramount” federal rights, including those related to commerce and international affairs.

Other Federal Actions to Implement Amended Legislation

Presidential Orders as Authorized by Amended CZMA

Presidential Order on "Paramount Rights" as Authorized by SLA

Amendment of Agency Regulations

Agency Directives, as needed



Conclusion: Federal Action Can Enable Seawater Desalination, Greatly Improving Water Security.

- California's water supply ultimately is critical to the national economy, national security, international affairs, and interstate and world commerce.
- Federal land is available for large scale seawater desalination.
- Existing laws, amendments, agency directives and executive orders can streamline a path to large desalination plants becoming reality.



THANK YOU!