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4. WATER: Calif. braces for cutbacks after Bay Delta ruling

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Arthur O'Donnell, *Land Letter* editor

Communities throughout California are taking another look at their emergency water management plans this week after a federal judge ordered state officials to prepare for reduced flows through the Sacramento-San Joaquin River Bay Delta starting in December and lasting until a new federal biological opinion on protections for the endangered delta smelt can be put into effect.

Water customers of the Los Angeles-area Metropolitan Water District are facing the prospects of mandatory cuts in deliveries on top of what is expected to be a relatively low water allocation from the State Water Project in 2008. Central Valley farmers are already pulling land from agricultural production and could permanently fallow acreage devoted to heavy water crops if they cannot count on a reliable supply. And even in the San Francisco Bay area, communities are facing increased calls for voluntary conservation that could prove painfully permanent.

In a ruling from the bench on Aug. 31 after several days of testimony, U.S. District Court Judge Oliver Wanger directed the state to undertake even greater efforts to protect the remaining delta smelt populations. The fish population has experienced precipitous declines for over a decade but reached a crisis earlier this year that led to a 10-day shutdown of the pumps that push millions of gallons per day of water along the California aqueduct to Southern California ([Land Letter](#), June 7).

Although state water officials still contend that the pump operations are only one of many "stressors" affecting the tiny fish, they are reluctantly coming to terms with the implications of Wanger's ruling -- an inevitable reduction in water exports that could cut current flows by up to 40 percent, depending on how much precipitation can be captured this coming winter.

Lester Snow, director of the Department of Water Resources, said the reductions could amount to 2 million acre-feet of the 5.9 billion acre-feet currently delivered via the aqueduct. Tom Quinn, president of the Association of California Water Agencies, calculated that during an average water year, the cuts would be about 33 percent, 25 percent in a dry year, and as much as 40 percent in a wet year.

"The judge is putting greater restrictions on the ability to move water into California's economy, and that's going to hurt a lot" Quinn said during a news conference yesterday. "We are not only losing water supplies, we are losing our water management tool box."

Roger Peterson, general counsel for MWD, said that faced with a potential 30 percent reduction to its primary supply of water, the agency's board of directors has ordered staff to come up with a mandatory allocation program for its 27 customer agencies that could take effect as soon as 2008. In the meantime he said, localities are already calling for unprecedented levels of conservation and relying on programs and interim measures meant to cover an extended drought.

"It's a painful process to put a mandatory allocation plan together," Peterson said. "Luckily, we have 2 million acre-feet in groundwater storage, about what we deliver in a year."

Farms gone fallow?

State Agriculture Secretary A.G. Kawamura said that his agency has been receiving reports that "farmers are already making decisions not to plant next year, and this order causes more of a problem." California is a world leader in growing everything from almonds to rice, cotton, and corn, he said, but the future of agriculture could be very different.

The point was echoed by Stephen Patricio, chairman of the Western Growers Association, which has commissioned an economic impacts study of reduced water availability. Preliminary results, Patricio said, show that between 82,000 and 236,000 acres of farmland could be fallowed even during an average rain year. Agricultural production will decrease by \$68 million to \$294 million, he said, and between 900 and 4,000 farm jobs will be lost. Because each ag job helps create six other jobs, Patricio added, the total economic effects could be as much as \$475 million. "And that's in an average year. I shudder to think what it will be if we have an extended drought."

As they have in just about every public forum devoted to delta issues, state officials used the opportunity to promote Republican Gov. Arnold Schwarzenegger's proposals for a massive \$5.9 billion bond issue that would fund new water delivery and storage infrastructure and attempt to stabilize vulnerable levees in the delta system.

Mike Chrisman, secretary of the Resources Agency, said, "This plan will work to protect people and property from flooding. It will create storage and better ways to move water through the delta."

The administration's legislative vehicle for the bonds was bottled up in a resource committee earlier this year, but DWR's Snow said the court order could provide the needed impetus to get it back on track -- even though lawmakers expect to wrap up this year's session by next week. "End of session, special session, or the beginning of next year. Hope springs eternal," Snow said. "There is a higher level of collaboration now than I've seen in 30 years of dealing with water issues."

Though not invited to participate in the administration-sponsored events, representatives of environmental groups that forced the issue before the federal court had mixed feelings about the ruling, because they fear it will not go far enough. Their proposed regime for delta operations could have resulted in even deeper, mandatory cuts to pumping, rather than the adaptive approach espoused by state and federal agencies, which Wanger favored.

Earthjustice attorney Trent Orr, who represented plaintiffs including the Natural Resources Defense Council, Friends of the River, California Trout, the Bay Institute and Baykeeper, said that not only are the smelt at risk, but also salmon and other threatened fish.

"This problem has been bearing down on us for many years, but responsible agencies have ignored it at the behest of Big Agriculture and municipal and industrial water users," Orr said in a statement. "This ruling may cause appreciable reductions in water exports from the delta, depending on the amount of precipitation in the coming water year. But if we want to preserve the delta and the species that depend on it, we'll eventually see this as a most welcome and necessary wake-up call."