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6. WATER: Calif. officials press for Delta solutions (08/23/2007)

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If nothing else, the well-publicized problems affecting the environmental health and economic viability of California's Sacramento-San Joaquin Bay Delta have forced state and federal government officials into a rare consensus: The delta ecosystem is in a crisis, and it would take massive amounts of money and possibly decades to achieve any kind of lasting solutions.

Exactly what those solutions might be is a matter still to be resolved.

During a "Delta Summit" convened in Los Angeles on Tuesday, both Gov. Arnold Schwarzenegger (R) and U.S. Sen. Dianne Feinstein (D) attempted without success to get a top water scientist to reveal "the best comprehensive solution" to the continuing deterioration of the delta and its highly vulnerable system of levees.

But the most they could elicit was an admission from University of California professor Jeff Mount that he is unable at this time to answer the question. "The scientific community cannot do that," Mount replied to Feinstein's repeated query. "You don't want us to do that. Ultimately, it comes down to you, the two of you, deciding what is the highest priority for the delta."

While Schwarzenegger urged support for his proposed \$5.9 billion bonding package that would fund delta protection measures, new reservoirs and a controversial water canal and conveyance system, Feinstein broadened her list of desired outcomes to include earthquake protections for levees, a healthier ecosystem and changes to local zoning laws that would minimize new residential construction in flood prone areas.

Mount, who is director of the Center for Watershed Sciences at the University of California-Davis, reviewed a recent study from the Public Policy Institute that concluded changes to the way the delta is managed will be inevitable. He provided a preliminary assessment of options ranging from building new delivery infrastructure and altering flow patterns to reducing water exports to Southern California ([Land Letter](#), Feb. 8).

Although Mount said that the "status quo is unsustainable," he deferred on picking a best bet for the future. "In no case can we find an alternative in which we all get better together. Trade offs will have to be made and some people are going to be unhappy," he said.

Time running out

Although Mount suggested that "nature will dictate" the best way to address the delta's woes, Feinstein expressed concerns that it might be a federal judge who decides.

"We are expecting a federal court order that may cut water exports by 20 to 50 percent," cautioned Feinstein.

Even as the summit was under way, attorneys for the state and various water user groups were defending state policies for delta management in hearings before Judge Oliver Wanger at the U.S. Federal District Court in Fresno.

Earthjustice filed the lawsuit challenging the state over delta pumping and water export operations on behalf of the Natural Resources Defense Council and other groups, claiming that steadily increasing water exports may be pushing the 3-inch fish to the verge of extinction. The groups are pressing for better monitoring of fish -- up to four times each day -- at state and federal pumping facilities, as well as a new regime of minimum water levels to prevent worsening salinity and maintaining habitat temperatures. Underlying their proposals is the likelihood that exports will be cut.

Though the groups say their plan would require reducing water available for export by less than 10 percent, or about 1.5 million acre-feet per year, agricultural groups contend the cuts to deliveries will be two or three times that level. The hearings are expected to last through the week, with Judge Wanger weighing conflicting scientific evidence before he makes a determination. That ruling is bound to be appealed no matter what he decides.

In a separate case, an Alameda Superior Court judge has ruled that the state's pumping operations are killing chinook salmon and delta smelt in violation of the California Endangered Species Act. Though the judge threatened to order the pumps shut by mid-June, his ruling is on hold pending an appeal.

Nonetheless, in late May, the state was forced to close down the massive pumps that push water through the 444-mile California Aqueduct after surveys found that more of the tiny fish were being killed by the pumps than were being counted alive ([Land Letter](#), June 7). Since the pumps were turned back on in June, the environmental groups claim that more than 1,000 smelt have been entrained and killed at the station.

At this point, no one knows for sure how many of the smelt reside in the delta.

Task force working toward solutions

Even though the summit produced little new information and few definitive answers, participants suggested that it represents a "first step" in bringing disparate sides together for a lasting solution. "We have a tremendous opportunity right now to solve California's water crisis," said Schwarzenegger.

Phil Eisenberg, chairman of a task force that the governor appointed to frame the debate and offer recommendations, said that a preliminary report will be available by October, rather than next year as originally planned.

As difficult as it is to bring different interests into agreement, Eisenberg said he expects the task force will be able to produce -- as early as next week -- "a no-regrets list of environmental measures that all warring parties agree ought to be done."

Lester Snow, director of the Department of Water Resources, emphasized the importance of finding that elusive consensus on both short and long-term goals. "This could be the last chance for us to come together for a fix," he said. "This could be the last chance to come up with a package that works for California's economy and environment."