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5. WATER: Costly Reclamation plan would retire 194,000 farming acres in Calif.

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The Bureau of Reclamation this month signed off on a \$2.5 billion plan to control salt- and selenium-laden agricultural runoff in California's San Joaquin Valley that would involve the purchase and retirement of more than 194,000 acres of prime farmland, as well as a 20-year project to build evaporation ponds, treatment plants and other facilities.

Even as Reclamation officials tallied up the costs for the San Luis Drainage Feature re-evaluation project as part of the record of decision (ROD) that was finalized March 9, they are working on a separate agreement that could involve transferring ownership -- and much of the cost for cleanup -- to local water districts.

"We're confident we can do it faster and cheaper than the federal government," said Sarah Woolf, spokeswoman for the Westlands Water District, which is one of California's largest users of water from the Central Valley Project that feeds the San Luis Unit. Westlands and other districts sued the Department of Interior and other agencies in a series of cases that stretched out over nearly two decades concerning liability for ever-increasing salt levels in local water supplies that were threatening the viability of farms in one of the state's most productive agricultural areas.

The issue was highlighted by the discovery in the early 1980s that Kesterton Reservoir on the system was heavily polluted with selenium, causing embryonic deformities in migrating birds.

In 2000, the 9th U.S. Circuit Court of Appeals held that Interior had a duty to provide adequate drainage service and directed the agency, via Reclamation, to come up with a plan for various options. As those various options were publicly vetted, the bureau added the concept of land purchases and retirements as a way to control drainage. According to the ROD documents, "land retirement, by removing land from irrigated agriculture, reduces the contribution of drainage water to shallow groundwater table and greatly ameliorates the drainage requirements."

Last year, Reclamation floated a preferred alternative that would have included retirement of as much as 300,000 acres of farm land at a cost projected to reach \$725 million. In addition, about twice that amount would be needed to build collectors, ponds and treatment facilities to maintain a healthy balance of salinity in the local groundwater and reservoirs.

But districts objected to having so much farmland taken out of production and threatened continued litigation. The subsequent negotiations resulted in a somewhat scaled-down land purchase program, said Reclamation spokesman Jeff McCracken. "The alternative we selected takes about 100,000 acres less land out of production," he said. "It still has evaporation ponds and treatment facilities but it allows more land to stay in production."

"This is about a 20-year project. We're still doing estimates, but it is projected to cost \$2.5 billion, including land to be retired, construction of drainage ponds, conveyance facilities and treatment plants. It's an enormous project."

The new deal would require congressional approval to lift the existing cap on project costs. "The original ceiling on this was set at about \$800 million," McCracken said. "We've spent \$440 million already on distribution systems in the San Luis Drainage unit. We'll need to get the authorized ceiling increased."

A collaborative plan

But the bureau also sees a potential way for the federal government to avoid much of that cost -- by turning ownership of the San Luis Unit and reservoir over to the water users. The "collaborative drainage resolution" meant to explore "creative alternatives" to spending billions of dollars on a program "with none of the alternatives being of net positive national benefit not economically justified," according to a draft of the plan.

As described, the deal would involve relieving Interior from the obligation to provide drainage services by transferring the title of certain project facilities to the group of irrigation contractors, while absolving them from repayment of some of the costs for nearly \$500 million in Central Valley Project irrigation facilities that have been built.

Besides Westlands, which is currently liable for over 80 percent of the costs, these contractors include at least nine other water districts or authorities. Woolf explained that since the district has already purchased 100,000 acres of land that would have been sold to the federal government under the ROD program, this alternative could be far less expensive and risky in terms of trying to win Congress' approval and appropriations.

Reclamation officials stress that the idea has not been endorsed by the Bush administration or by Interior but rather "represents ideas under consideration as part of a deliberative process." Still, they recently took the plan to Washington, D.C., for review, backed by visits to California congressional delegation members by representatives of the water districts. So far, Woolf said, no one has signed on to sponsor legislation needed to pull the deal off, but "we're still discussing it."

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