

Lawmakers fish for water fixes

Dropping ESA protections would not add much for growers

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Capital Press

4/23/2009 8:48:00 AM

As some lawmakers hold up the Sacramento-San Joaquin Delta's endangered fish as a symbol of the farmer's struggle with environmental rules, others are bypassing the notion to focus on long-term fixes to the state's distribution system.

Farm interests, many Central Valley business organizations and their Congressional representatives have called for suspension of Delta irrigation pumping restrictions now protecting the Delta smelt under the federal Endangered Species Act to help ease drought impacts. They also favor improvements to the infrastructure.

Others in government, sympathetic to the farmers' plight, say the long-term fixes are the only viable solution to the state's water woes.

Two factors likely influence that approach. First, the idea of lifting Endangered Species Act restrictions from the Delta is widely expected to go nowhere in Congress. That's a reality blamed on Democratic lawmakers resisting any challenge to environmental laws.

But it combines with another reality: lifting ESA rules from the Delta wouldn't improve water availability by much.

Lester Snow, director of the state's Department of Water Resources, estimates that without ESA rules on Delta water, state irrigation allocations might be reaching 35 percent this year, instead of 30. Federal officials give a similar estimate - the Central Valley Project's 10 percent allocations for south-of-Delta farmers might rise to 15 percent, they say.

"If the ESA goes away this afternoon, we still have a drought," Snow said last week.

Snow also said he believes that pumping restrictions can't save the endangered Delta smelt - the fish called the most precarious of several dwindling Delta species - because the Delta in its modern form won't sustain its populations.

Therefore, a relaxing of some restrictions to help relieve economic hardship, especially on the San Joaquin Valley's hard-hit west side, shouldn't be out of the question, Snow said.

"I believe you could shut the pumps off forever and not recover the smelt," he said. "And then what have you lost?"

Interior Secretary Ken Salazar has dismissed the notion of lifting species protections.

"That is not the solution here," Salazar said April 15 in Sacramento, after touring the Delta by air with Gov. Arnold Schwarzenegger. "The solution that we're looking at is one that is going to have to be comprehensive in nature that takes into account the huge variations you're seeing in water supply."

Schwarzenegger offers a similar argument.

Speaking at San Luis Reservoir on April 17, at a rally capping the four-day march organized by the California Latino Water Coalition to draw attention to the economic impacts of drought, Schwarzenegger declared an urgent need for improved conveyance.

He made no mention of suspension of the ESA restrictions.

Rep. George Radanovich, R-Mariposa, who spoke before Schwarzenegger, focused on the subject the governor was avoiding. Radanovich whipped up the crowd's fervor over ESA restrictions, saying repeatedly, "Your government works for fish!"

In February, Radanovich introduced to Congress HR856, the California Drought Alleviation Act of 2009. It would allow the Delta's southern pumps to run without environmental restrictions during droughts.

Spencer Pederson, spokesman for Radanovich, says there's no realistic chance for the bill.

"(House Speaker) Nancy Pelosi would not let it happen, although common sense would tell you that she would," he said. "This is an environmental issue, and the Democrats have an environmental constituency that they need to be mindful of."

Pelosi's office did not return calls for comment. Reps. George Miller, Lois Capps, Joe Baca and Grace Napolitano, all California Democrats representing urban districts who serve on the House Natural Resources Committee, did not return calls seeking comment.

Sens. Dianne Feinstein and Barbara Boxer, both Democrats, also didn't return calls. Feinstein, like Schwarzenegger, has tried to steer conversation toward long-term fixes.

In an April 16 letter to Snow, Feinstein advocated several ideas for immediate drought relief, none of them involving environmental laws. Declaring the need for a "targeted

strategy," she advocated for using the state's Delta pump in service to federal water users.

She also pushed for stronger promotion of the state's new drought water bank, and urged reductions of state deliveries to fish and wildlife refuges - which are receiving 100-percent allocations - to help farmers, who are receiving 30.

"This discrepancy appears inconsistent with the Central Valley Improvement Act's requirement that there be 'a reasonable balance' between refuge and agricultural water supplies," Feinstein's letter said.

"This is a crisis that requires action and decisiveness," Feinstein wrote.