

Saving the State's Lifeblood: That Historic Water Accord

How the embattled Endangered Species Act helped force the big delta deal

The 20-year-old Endangered Species Act has long been a target for those who denounce many of its provisions as too inflexible. But last week's historic accord on the use of fresh water from San Francisco Bay and the Sacramento-San Joaquin Delta demonstrates anew why America is better off with it and why Congress should not eviscerate it, as some congressional Republicans have suggested.

The agreement, signed by California and the federal government, will protect the bay-delta estuary ecosystem, yet provide reliable water supplies to farms and cities across the state. The accord ends decades of conflict among water users and environmentalists and follows a year of often-intense negotiation involving municipal and agricultural water users, environmental groups and government officials.

The pact covers the delta inland from San Francisco Bay to the confluence of the Sacramento, the San Joaquin and a host of smaller Northern California rivers. It establishes limits on how much fresh water can be diverted from the estuary to agriculture and municipal water users. The accord aims also to protect imperiled fish species by ensuring that the young survive migration through the delta and that diversions do not make breeding waters too salty.

The delta is perhaps the state's most important water resource. The largest wetland habitat in the western United States, the delta collects half of the state's annual runoff, provides 60% of the fresh water used in California and is the source of irrigation water for almost half of the nation's fruits and vegetables. But population growth, urbanization and water-intensive crops, combined with a string of drought years, have degraded water quality in the delta and threatened some of the more than 120 species of fish that live there.

Four federal agencies stepped in a year ago and said they would impose a water quality plan on the whole region unless state and federal

officials could agree on an alternative to continuing water diversions. That alternative was unveiled last week.

The bargaining that produced the pact took place in the shadow of a sword of Damocles: the Endangered Species Act. No one wanted the onerous restrictions that would follow if that act were invoked now or later on behalf of an endangered species such as the delta smelt. Thus the accord was designed to safeguard the entire delta habitat as well as the individual species currently at risk. It forced dialogue,

compromise and, most important, a truce among water users that is in everyone's long-term interest. That is the way the act works best—as a threat of tough and arguably punitive action to save endangered species.

The act must have real teeth to do that. Defanging it would strip away incentive to compromise, and certainly end its value as a last-ditch tool to protect threatened wildlife.

Because application of the Endangered Species Act is cumbersome, it has become a lightning rod for those who desire a less intrusive federal presence. But undeniably, the threat of its invocation in the delta case worked.

Some years back, the writer Wallace Stegner pondered: "... What do you do about aridity if you

are a nation accustomed to plenty and impatient of restrictions and led westward by pillars of fire and cloud? You may deny it for a while. Then you must either try to engineer it out of existence or adapt to it." We in California have done as much engineering as anywhere, witness the massive pumps and aqueducts that carry fresh water hundreds of miles from the delta to Southern California and the Central Valley. Now, with more than a nudge from the Endangered Species Act—and some good will and hard work among the negotiating parties—the bay-delta accord stands as a signal that we have, at last, begun to adapt.

Delta Agreement

State and federal officials announced a plan to restore the environmental health of the estuary that stretches from San Francisco Bay to the Sacramento-San Joaquin Delta.



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