

Agreement brings steadier supply of delta water for cities, farmers

By Mark Grossi
and Pamela J. Podger
The Fresno Bee

SACRAMENTO — Federal and state officials Thursday signed a historic ceasefire in the long war over water quality, but another skirmish may be waiting next year.

The agreement, hammered out in marathon negotiation sessions that ended Wednesday night, provides a more stable water supply from the Sacramento-San Joaquin River Delta for farms and cities while protecting the vast, sensitive Northern California estuary.

"Peace has broken out amid the water wars," Gov. Wilson said at a Capitol press conference. "We don't pretend this is the final answer for California water policy. There will be some sledding ahead."

Skeptics sounded a note of caution. While the accord gives a framework of agreement, the thorny questions of whose water and how much are yet to come.

Those answers must be secured in the next three years once testimony and dueling science is heard at public hearings set to begin in March by the State Water

Please see Water, Page A8

Water: Standoff ends with historic agreement

Continued from Page A1

Resources Control Board. As the water rights held by farmers, cities and other water users come up for grabs, Thursday's ceasefire will be tested.

For the delta estuary, which provides about two-thirds of the state's drinking water, the agreement means 1.1 million acre-feet of fresh river water will flow through the maze of sloughs and canals about 140 miles north of Fresno in dry years to help keep salty ocean tides from destroying habitat for fish and wildlife.

"This is a three-year trial marriage," said David Fullerton of the Natural Heritage Institute, who voiced many of the environmentalists' concerns during the deliberations.

Initially, the burden of providing water for the new agreement falls squarely on contractors with the federal Central Valley Project and State Water Project.

The pact limits water diversions from the delta, ensuring at least 450,000 acre-feet are devoted to species and habitat protections in years with normal rainfall and increasing to 1.1 million acre-feet in dry years.

"It's not an end to the regulatory drought," said Dan Nelson of the San Luis Delta-Mendota Water Authority, representing agricultural and urban districts on the west side of the San Joaquin Valley. "But it's a significant beginning."

Better off

For Valley farmers on the massive federal Central Valley Project, the agreement will mean 65 percent to 70 percent of their historic allotments in average rainfall years, Nelson said. Last year, the same contractors received about 40 percent.

"We'll be much better off than we have been in the last several years. There will be less water, but it will be firmer," added Dave Schuster, who represents two Kern County water districts where nearly 10 percent, or 100,000 acres, were taken out of production in 1993.

Interior Secretary Bruce Babbitt said the federal government would buy additional water if the flow is not enough to protect the winter-run salmon and the delta smelt, two fish listed under the federal Endangered Species Act, or if additional species are listed, as may be the case with the Sacramento splittail.

"A deal is a deal. If more water was necessary, the key to finding water is money. Everything is available for a price," he said.

The concession from the federal government was just one of many made at a negotiating table that included agriculture, urban and environmental interests.

Intense issues

"These were intense, major issues we worked on," said Timothy H. Quinn, deputy general manager of the Metropolitan Water District of Southern California, which serves 16 million customers. "Ultimately, the deadline of Dec. 15 is what made it work."

The Dec. 15 deadline was imposed in the settlement of an environmental lawsuit brought by the Sierra Club, the Environmental Defense Fund and others in a coalition over delta water standards.

"We have a plan that meets the needs of the families, the farmers and the fish," said U.S. Environmental Protection Agency Administrator Carol Browner.

Year after year, the water flowing to California farms and cities was drastically curtailed when protected fish — winter-run chinook salmon and the delta smelt — were ground up by the powerful delta pumps that send the water south.

"We were brought together by dispute — we had to get out of the [Endangered Species Act] box we were in. Basically we put 1 million acre-feet on the table. In return, you cannot turn on and off the pumps every time you find a fish," said Steve Hall, executive director, Association of California Water Agencies.

CONTINUED ON NEXT PAGE

E - 0 1 5 7 7 5 - 0 0 8

E-015775.008

Until the state board comes up with its implementation plan, the estuary will be governed by the Endangered Species Act protections for the imperiled fish.

Control the flow

Existing protections will continue to control the flow of the delta if federal wildlife officials detect large numbers of protected fish at the pumps. They said the modifications of the new agreement will allow more flexibility and better monitoring.

The water users have promised to make available \$10 million for each of the next three years to fund monitoring of the species that live in the estuary.

State Sen. Tom Hayden warned environmentalists to be skeptical about the accord. The Santa Monica Democrat announced that the Senate Natural Resources and Wildlife Committee, which he chairs, would hold hearings on the environmental adequacy of the pact in January.

New delta standards hailed as 'landmark'

By Vicky Boyd
Special Sections Editor

After nearly two decades of wrangling about delta water quality standards, state and federal leaders last week reached what some described as a "landmark agreement." Though growers admitted they were encouraged by the truce, they said the standards still don't solve the regulatory drought they have endured the past few years.

Federal officials, who were under court order to adopt bay-delta standards by Dec. 15, went down to the wire negotiating with agricultural, environmental and urban water interests. The deadline stemmed from a lawsuit last year by more than a dozen environmental groups against the U.S. Environmental Protection Agency for failing to enforce the Clean Water Act.

The standards are a compromise between the U.S. EPA's earlier plan, which could have required as much as 1.5 million acre-feet of water, and one drafted by agricultural and urban water interests

calling for a maximum of 1 million acre-feet.

Amid the pomp and ceremony due a Middle East peace accord, interior department secretary Bruce Babbitt and U.S. EPA administrator Carol Browner last week signed the bay-delta plan alongside Gov. Pete Wilson.

The agreement calls for an additional 400,000 acre-feet to flow through the Sacramento-San Joaquin Delta during a normal water year. During a critically dry year, the requirements would increase to about 1.1 million acre-feet.

The agreement currently applies only to contractors with the Central Valley Project and the State Water Project, and the actual amount each has to contribute is described in the agreement. CVP water users' contribution will be credited against the 800,000 acre-feet already allocated to fishery restoration under the CVP Improvement Act.

Included in the plan is water needed to meet critical habitat for the delta

smelt, listed as a federally threatened species. It also includes water needed for the federally listed winter-run chinook salmon. If, during the plan's three-year life span, other species are listed, the federal government would be responsible for purchasing additional water to meet Endangered Species Act requirements.

"The federal government is at risk for any additional water," Babbitt said. "A deal is a deal."

Under the new standards, CVP users on the west side of the San Joaquin Valley can expect deliveries of 60 to 70 percent of contract during a normal water year. During a critically dry year, however, deliveries could be as little as 25 to 35 percent.

The bay-delta standards will be in place for three years to allow the Bay-Delta Advisory Council to develop long-term delta solutions. The interim rules will also allow the State Water Resources Control Board time to conduct water

rights hearings about how to "spread the pain" among all the users within the delta watershed.

Calling the agreement an end to the water wars, Wilson said a regulatory drought had been averted. "I think it assures that agriculture and the cities of Southern California will have the kind of water they need," Wilson said. But agricultural water users aren't so sure.

"It's not the end of the regulatory drought," said Dan Nelson, executive director of the San Luis-Delta Mendota Water Authority. "However, it's a significant beginning to start working toward that end."

What the interim rules will do, however, is provide a stable water supply for the next three years, Nelson said. "Until today, we had absolutely no certainty about how we were going to operate the delta," Nelson said. "We never had a set of rules to operate the delta that we could rely upon. It was month-by-month or even week-by-week circumstances in the delta."

California Farm Bureau President Bob L. Vice said he's encouraged because the bay-delta standards don't require as much water as originally proposed. Nevertheless, he said, they only postpone the inevitable of a growing state population and a water supply that hasn't kept up with demands.

"It's kind of like hitting yourself in the foot with a hammer," Vice said. "It makes the toothache go away but it really doesn't solve the problem."

If the state doesn't look at developing additional

water supplies, Vice said residents could face a worse situation in the delta five to seven years from now. "With more people depending on the existing water supply, you just divide the pie up into smaller and smaller pieces. We have to make a bigger pie."

Ted Sheely, who farms near Lemoore, said he didn't believe the bay-delta plan ends the water shortages farmers have endured the past few years because of fisheries regulations. "Of course there's a regulatory drought when they are talking about delivering me only half or maybe three-quarters of my supply," said Sheely, Kings County Farm Bureau president. "You still have lost some."

But Sheely said he is cautiously optimistic that the agreement will eventually help improve the water outlook for agriculture by bringing much-needed supply stability. But then again, he said, he had similar hopes about the CVPLA before it was implemented.

"Having a 50-percent water supply is one thing. But if it's an unreliable 50 percent—that's much worse. It's only better than having no water supply at all," Sheely said.

Cliff Koster, who farms near Tracy, said the most significant part of the agreement in his mind is the comprehensive monitoring program that will be conducted in the delta during the next three years. "We should have better science instead of this knee-jerk reaction to what's going on," Koster said. "The three-year comprehensive monitoring plan will help us find out what's really going on, instead of throwing water at it. And if it doesn't work, we throw more water at it."