

State Water Board Report Provides a Great Tool for the Green Spin Doctors

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California Water Resources Control Board staff recently released a report that was immediately trumpeted by environmental activists and their banner carriers in some of the state's urban newspapers. The Water Board's report identifies the increased water flows needed to protect fisheries and water quality in the Sacramento-San Joaquin Delta Estuary.

The flow criteria contemplate the release of an average of 6 million acre-feet per year over baseline levels. To put that number in context, Northern California Water Association (NCWA) noted that quantity of water equivalent to about 2/3 of the storage capacity of Shasta, Oroville and Folsom reservoirs combined. Pulling this amount of water out of the system would obviously have a devastating impact not only on the communities of the Central Valley and Southern California but on water users north of the Delta as well. NCWA says water deliveries north of the Delta, which include diversions under many of the most senior water rights in the Central Valley, would be reduced by 67%, which means that the "average water year" in the future would look like 1992, a critically dry year, and the last year of a six year drought.

Export water users dependent upon pumps located in the Delta are understandably critical of the report, since it was mandated by the California legislature and written with rigid guidelines intended to develop new flow criteria for the Delta ecosystem "necessary to protect public trust resources". The State Water Board admitted that it did not consider the allocation of water resources or water supply impacts, and that staff did not solicit information on the need for water for other beneficial uses, including the amount of water needed for human health and safety. Nor did the State Water Board consider how this would relate to other policies, such as the state goal of providing a decent home and suitable living environment for every Californian.

In essence, it was created in a vacuum, and should not be seriously considered something to use as a basis for any kind of Delta flow management plan. Even the State Water Board admitted "none of the determinations in this report have regulatory or adjudicatory effect" and "the flow criteria highlight the continued need...to develop an integrated set of solutions and to implement non-flow measures to protect public trust resources."

Not to worry then, right? Surely this "informational" exercise will get stuck up on a shelf somewhere in Sacramento, never again to see the light of day, right?

Not so fast. Environmental activists, who believe the Delta export pumps are the source of all that ails Delta fish, have been busy peddling the State Water Board report, with help from editorial boards at papers like the *Sacramento Bee*.

"For the first time, the Board has come forth with explicit estimates on flows needed to protect the estuary and the results are not surprising," said Bill Jennings, Executive Director of the California Sportfishing Protection Alliance, not surprisingly.

“The State Water Resources Control Board last week issued a draft report that concluded what has long been obvious – excessive diversions of water are imperiling the Sacramento-San Joaquin Delta and the fish that depend on this estuary,” the *Bee* opined.

I don't think this report will be shelved anytime soon based on these kinds of reactions. Delta pump-centric thinkers are still licking their wounds from recent slap-downs delivered by a federal judge who apparently thinks there are other things besides flow that impact imperiled fish in the Delta; things like urban wastewater treatment plant discharges, predation by non-native species, and ocean conditions. Activists are looking for anything that can bolster their decades-long claim that agricultural diversions are the main reason fish numbers are declining, despite the irrefutable evidence that mounting restrictions on diversions over the past 15 years have done nothing to halt this decline.

While there's been a lot of argument over what the report means and how it should be used, there's been very little debate over the scientific evidence used in the report.

As the corporate green machine puts their spin on this report in coming months, the millions of California water users who rely upon the water supplies of the Bay-Delta must remain vigilant.

You definitely don't want these findings being memorialized in a future government water management plan.

That would bring the state of California to its knees.