

## **Good News to Report for the Good Guys**

**By Dan Keppen**  
**Executive Director, Family Farm Alliance**  
**Klamath Falls, Oregon**

Agricultural water users from all over the state have been fighting the good fight in an arena where urban interests and environmental activists wield great political power and have a receptive partner with mainstream media outlets. I'm happy to report two recent victories for the "good guys" in California agriculture: court wins for San Joaquin Valley farmers, and the award of millions of dollars for a project that will benefit farmers and fish on the Sacramento River.

### **State and Federal Bay-Delta Export Pumping**

Two-thirds of California's population and a large part of its agricultural economy depend upon water pumped through the Sacramento San Joaquin River Delta by the State Water Project (SWP) and the federal Central Valley Project (CVP). The continued operation of California's water system is constrained and threatened, however, by the Delta's deterioration and environmental collapse. Beginning in 1992, the federal government has imposed a series of progressively more severe restrictions on the movement of these water supplies in the expectation that reduced pumping for the two water projects would fish species, including the threatened delta smelt. The water that is not pumped because of these restrictions is not stored nor is it recycled or available for use by others downstream. It simply wastes into the ocean under the Golden Gate Bridge. Over the last eighteen years, these federal restrictions have reduced the water supplies that used to serve farms and cities by more than three million acre feet every year. But there is no evidence the smelt have benefitted. Instead smelt abundance and the health of other Delta fisheries have steadily declined despite the reductions in pumping.

### **Judge Wanger Rules that Fisheries Decisions Must Factor in Impacts to People**

In recent weeks, two recent court decisions and a newly released study suggest that federal regulatory agency actions to constrain pumping for farmers are flawed and that there are factors other those pumps impacting the health of fish living in California's Bay-Delta

For the second time in a ten-day period, U.S. District Judge Oliver Wanger handed a victory to agricultural water users who are seeking to increase pumping levels in the Sacramento-San Joaquin Delta. In separate decisions involving threatened delta smelt and endangered salmon, Judge Wanger found that the federal government must consider humans along with the fish in limiting use of the delta for irrigation. He also found that water users made convincing arguments that the federal government's science didn't prove that increased pumping from the delta imperiled the smelt. Among the reasoning for the ruling offered by the court:

- The federal agencies failed to quantify what percentage of the overall smelt was being taken at the pumps.
- Estimates of hundreds or thousands of smelt taken were meaningless without knowing the impact to the total smelt population.
- The court found that the claim in the biological opinion that the pumping was the cause of other stressors in the Delta was unfounded.
- The court further found that the federal agencies failed to address alternative approaches to avoid jeopardy to the smelt.

Judge Wanger temporarily lifted delta pumping restrictions designed to help endangered salmon, a victory for our water users. But pumping restrictions designed to protect the smelt - which had been on the back burner because they are less restrictive than those covering the salmon - could now come into play. The federal government and environmental activists are now trying to reach a compromise with urban and agriculture water users over how much water should be pumped from the Sacramento-San Joaquin Delta.

#### Red Bluff Diversion Dam Fish Passage Improvement Project

Meanwhile, closer to home, the Bureau of Reclamation awarded a \$67 million contract under the American Recovery and Reinvestment Act (ARRA) for Phase II of the Red Bluff Fish Passage Improvement Project. The Red Bluff project is receiving a total of \$109 million in ARRA funds, which represents the largest Department of the Interior economic recovery project in the nation. With this latest ARRA award, Reclamation is initiating the final construction phase of a project intended to protect salmon and sturgeon in the Sacramento River, while providing improved water supply certainty for irrigators served by the Tehama-Colusa Canal Authority.

It's nice to share good news, as rare as that sometimes is in agriculture today.