

Westlands leader says drainage negotiations were no secret

By Mark Grossi



In a photograph after the 1980s wildlife disaster in western Merced County, a pipeline diverts selenium-laden water from the concrete-lined San Luis Drain into a 366-acre field near Tranquility as part of a cleanup project for the Kesterson Reservoir.

RALPH THRONEBERY — The Fresno Bee

When I saw the headline “Westlands reaches secret deal” Monday in The Bee, I knew it was about the toxic irrigation drainage that caused a wildlife disaster in western Merced County more than three decades ago.

The “[secret deal](#)” story is talking about negotiations between Westlands and the federal government to settle three lawsuits over cleaning up land tainted by the brackish water trapped just below the surface of some west-side land.

The government – meaning taxpayers – is on the hook for a \$2.7 billion cleanup. Let’s talk about the secret part before looking at the deal.

Westlands General Manager Tom Birmingham told me the negotiations indeed were confidential and completely private. But the existence of the talks was no secret, he said.

Westlands has regularly briefed the federal court about the talks, Birmingham said, adding that environmental groups and others last year were told of the six-page “[principles of agreement](#)” from the negotiations.

The finished version of the agreement should become public in the next couple of months, he said. Then Congress will review it and decide how to proceed. The process is no surprise to anyone who has followed it, Birmingham said.

“It’s incomprehensible to characterize this negotiation as a secret,” he said. “We’ve been talking about a drainage settlement for the last two and a half years.”

But there is plenty in the “principles of agreement” to incense environmentalists and water activists. I can understand why they would have liked to be involved in the talks and feel this was just a backroom deal.

Under the outline of the agreement, [Westlands](#), the 600,000-acre district based mostly in west Fresno County, would get a permanent water contract, meaning no more renewals at 25-year intervals and more assurances of water delivery. Plus, hundreds of millions of dollars in construction debt for the federal [Central Valley Project](#) would be forgiven for Westlands.

Many environmentalists say the alkali sections of Westlands' land should never have been farmed, much less receive Northern California water. The water is desperately needed to save the declining Sacramento-San Joaquin River Delta ecosystem, they say.

Barbara Barrigan-Parrilla, executive director of the advocacy group [Restore the Delta](#), released this statement:

"The idea that the Westlands Water District can secretly negotiate a settlement with the federal government that secures Westlands' water rights, by circumventing state water rights, and that lets Westlands walk away from hundreds of millions of dollars of debt that they owe to U.S. taxpayers is incomprehensible."

At the same time, the deal would wipe out the \$2.7 billion cleanup cost for taxpayers. Westlands would have to figure out how to deal with the cleanup. And the district's water contract would be adjusted to 75% of its current 1.1 million acre-foot allotment, which has been drastically cut back due to drought and environmental protections in recent years.

This drainage problem dates back decades. I've covered it periodically since 1993.

The disaster at [Kesterson](#) in western Merced County was discovered in 1982 a few years after federal officials decided to send the salty drainage water from 43,000 acres of Westlands cropland to evaporation ponds there. A concentrated trace element called selenium poisoned wildlife. The government was forced to stop the drainage.

Farmers sued the U.S. Bureau of Reclamation and Westlands in 1989. Westlands also filed suit against the government, citing federal responsibility to provide drainage. Courts have sided with Westlands, requiring a drainage solution. It has been nearly 15 years since that decision was made, Birmingham said, and the problem remains.

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