

As California withers, federal water bill mired in secrecy

By Michael Doyle Bee Washington
Bureau

Five months into a new Congress, and deep into a lasting drought, California water legislation still stymies and splits the state's lawmakers.

Draft copies are tightly held, as if stamped Top Secret. Myriad details are in flux. The legislative timing, though a June 2 Senate hearing could yet happen, remains unsettled. Democrats are divided; some are distinctly unhappy.

It all sounds so familiar, and yet there still is no telling how this movie ends.

"Right now, I don't know," a gloomy sounding Sen. Dianne Feinstein said Thursday when asked about the prospects for a bill. "It's very difficult to put something together. Obviously change is controversial, so to propose something and then not to be able to do it makes no sense."

61%

The estimated amount of the nation's water used for agriculture

Feinstein and her staff power the Senate's drought legislation effort, which so far has labored beneath what several California water experts independently called a "[cone of silence](#)." Though the GOP-controlled House of Representatives will pass a drought bill this summer, House Majority Leader Kevin McCarthy, R-Bakersfield, told Western growers last week, it's the Senate that will make or break legislation.

"We've met with people. We've talked with people," Feinstein, a Democrat, said. "We've taken ideas. We have done everything we can."

Some other California Democrats, though, denounce Feinstein's efforts as "very disappointing" and the "same old story." Politically, the vibes are not good.

Feinstein and House Republicans agreed last year on language to boost water exports south of the environmentally sensitive Sacramento-San Joaquin Delta, encourage the completion of water storage project feasibility studies and capture more runoff from early storms, among other provisions. [A version passed the House](#) in December and died in the Senate.

Staff members for the California House Republicans, including San Joaquin Valley Reps. David Valadao, Jeff Denham and Devin Nunes, have since drafted some 76 pages worth of proposed language. A House bill could be introduced in June, McCarthy advised growers.

The Senate's followup conversations this year include getting technical questions answered from the Bureau of Reclamation, whose commissioner, Estevan Lopez, was recently touring California. Substantive policy questions are being run past Gov. Jerry Brown's administration, which opposed legislation drafted last year. Northern California lawmakers are being asked what they would like.

But so far, no joy.

The Brown administration, Rep. Jim Costa, D-Fresno, said Friday, seems "ambivalent at best" about Senate proposals. The Obama administration is cautious; knowing, Costa said, "enough about California water to know it's full of landmines."

And on Capitol Hill, Feinstein's fellow Democrats are her biggest critics.

"We certainly hear about it, involving a sub-group of stakeholders working on drafts that we haven't been allowed to see," Rep. Jared Huffman, D-San Rafael, said in an interview. "Far from a transparent regular order, it feels like we're right back to secrecy and exclusion, and that's very disappointing."

Complaints about secrecy and exclusion helped undermine legislation last year. Huffman and six other Northern California Democrats subsequently met with Feinstein in January.

That was their high-water mark. Since then, the lawmakers who represent the Northern California delta say they've effectively been shut out even though they've been asked what they want.

"It's a terrible way to do a bill," Huffman said. "Instead of trying to do this right, which is inclusive, deliberate and transparent, this is a secret jam job."

This is a secret jam job.

Rep. Jared Huffman on drought bill negotiations

One of Huffman's Southern California colleagues, Rep. Grace Napolitano, said she, too, "wasn't included" in water bill negotiations. The former chairwoman of the House water and power subcommittee, Napolitano said she hasn't been informed how the legislation might affect Los Angeles.

"I have no idea what they're putting in there to deal with the next drought cycle," Napolitano said.

A third California Democrat who represents part of the 1,100-square-mile delta, Rep. John Garamendi, allowed that Feinstein's staff had asked him what he wanted in a California water bill. But when Garamendi asked what else is in the bill, he said, he was shut out.

"Sen. Feinstein is moseying around with something, but she won't tell us what," Garamendi said in an interview. "Same old story. ... Those of us that represent the delta and San Francisco Bay are not included in the process."

Advocates of Feinstein's approach counter that it's pointless to bring in the Northern California Democrats since they will never vote for the drought legislation anyway, as it could end up steering water from their region to San Joaquin Valley farms.

"It doesn't do any good to say, 'Let us see your language so we can rip it apart,'" Feinstein said.

Alaska Sen. Lisa Murkowski, chairwoman of the Senate Energy and Natural Resources Committee, toured a ruined orchard and held a campaign fundraiser at Sunnyside Country Club in early April.

Portions of the legislation have been shared with certain advocacy and interest groups; including, Garamendi said, at least one environmental group. More than mere process, this matters, as the legislation's fate could turn on the adequacy of this outreach.

"I'm going to do everything I can to make sure the voices of all Californians are heard," Democratic Sen. Barbara Boxer said Friday.

Also in the loop are select non-California congressional staffers, including one representing Alaska Republican Sen. Lisa Murkowski, the chairwoman of the Senate Energy and Natural Resources Committee.

Murkowski got her first up-close look at California's drought in early April, when she toured a ruined orchard and held a campaign fundraiser at Sunnyside Country Club.

Murkowski could get a followup look with a hearing before the Senate Energy and Natural Resources Committee.

Although nothing is publicly scheduled, some influential California water officials already have reservations for a return to Capitol Hill in anticipation of a possible June 2 hearing.

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