

Man-Made Drought: A Guide To California's Water Wars

By REP. DEVIN
NUNES

06/12/2015 05:33 PM
ET

In the summer of 2002, shortly before I was elected to Congress, I sat through an eye-opening meeting with representatives from the Natural Resources Defense Council and several local environmental activist groups. Hoping to convince me to support various water restrictions, they argued that San Joaquin Valley farmers should stop growing alfalfa and cotton in order to save water — though they allowed that the planting of high-value crops such as almonds could continue.

Then, as our discussion turned to the groups' overall vision for the San Joaquin Valley, they told me something astonishing:

Their goal was to remove 1.3 million acres of farmland from production. They showed me maps that laid out their whole plan: From Merced all the way down to Bakersfield, and on the entire west side of the Valley as well as part of the east side, productive agriculture would end and the land would return to some ideal state of nature. I was stunned by the vicious audacity of their goal — and I quickly learned how dedicated they were to realizing it.

How To Steal Water And Get Away With It

For decades, extreme environmentalists have pursued this goal in California with relentless determination. The method they have used to depopulate the targeted land — water deprivation — has been ruthless and effective.

Much of the media and many politicians blame the San Joaquin Valley's water shortage on drought, but that is merely an aggravating factor. From my experience representing California's agricultural heartland, I know that our water crisis is not an unfortunate natural occurrence; it is the intended result of a long-term campaign waged by radical environmentalists who resorted to political pressure as well as profuse lawsuits.

Working in cooperation with sympathetic judges and friendly federal and state officials, environmental groups have gone to extreme lengths to deprive the San Joaquin Valley, the heart of much of the U.S. agricultural production, of much-needed water. Consider the following actions they took:

The Central Valley Project Improvement Act: Backed by the NRDC, Sierra Club and other extreme environmental groups, large Democratic majorities in Congress passed the CVPIA in 1992 after attaching it to a must-pass public lands bill. The act stipulated that 800,000 acre-feet of water — or 260 billion gallons — on the Valley's west side had to be diverted annually to environmental causes, with an additional 400,000 acre-feet later being diverted annually to wildlife refuges.

Smelt and salmon biological opinions: Lawsuits filed by the NRDC and similar organizations forced the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to issue, respectively, biological opinions on smelt (in 2008) and on salmon (in 2009). These opinions virtually ended operation of the Jones and Banks pumping plants — the two major pumping stations that move San Joaquin River Delta water — and resulted in massive diversions of water for environmental purposes.

The San Joaquin River Settlement: After nearly two decades of litigation related to a lawsuit filed in 1988 by the National Resources Defense Council, Sierra Club and other environmental groups, San Joaquin Valley agriculture organizations agreed to a settlement in 2006, later approved by a Democratic Congress and signed into law by President Obama. The settlement created the San Joaquin River Restoration Program. The program, which aims to create salmon runs along the San Joaquin River, required major new water diversions from Valley communities.

Despite warnings from me and other California Republicans, agriculture groups naively approved the settlement based on false promises by the settlement's supporters that Valley water supplies would eventually be restored at some future, unspecified date.

Groundwater regulation: In September 2014, California Gov. Jerry Brown approved regulations requiring that water basins implement plans to achieve "groundwater sustainability" — essentially limiting how much water locals can use from underground storage supplies. But these pumping restrictions, slated to take effect over the next decade, will reduce access to what has become the final water source for many Valley communities, which have increasingly turned to groundwater pumping as their surface water supplies were drastically cut.

A Litany Of Hypocrisy

As radical groups have pursued this campaign to dry up the San Joaquin Valley, it's worth noting some of their stunning contradictions, hypocrisies, fallacies and failures:

"There's not enough water in California": Environmentalists often claim that the California water crisis stems from the state not having enough water to satisfy its rapidly growing population, especially during a drought.

However, the state in fact has abundant water flowing into the Delta, which is the heart of California's irrigation structure. Water that originates in the snowpack of the Sierra Nevada Mountains runs off into the Delta, which has two pumping stations that help distribute the water throughout the state.

But on average, due to environmental regulations as well as a lack of water storage capacity (attributable, in large part, to activist groups' opposition to new storage projects), 70% of the water that enters the Delta is simply flushed into the ocean. California's water infrastructure was designed to withstand five years of drought, so the current crisis, which began about three years ago, should not be a crisis at all. During those three years, the state has flushed more than 2 million acre-feet of water — or 652 billion gallons — into the ocean due to the aforementioned biological opinions, which have prevented the irrigation infrastructure from operating at full capacity.

"Farmers use 80% of California's water": Having deliberately reduced the California water supply through decades of litigation, the radicals now need a scapegoat for the resulting crisis. So they blame farmers ("big agriculture," as they call them) for using 80% of the state's water.

This statistic, widely parroted by the media and some politicians, is a gross distortion. Of the water that is captured for use, farmers get 40%, cities get 10% and a full 50% goes to environmental purposes — that is, it gets flushed into the ocean. By arbitrarily excluding the huge environmental water diversion from their calculations — as if it is somehow irrelevant to the water crisis — environmentalists deceptively double the farmers' usage from 40% to 80%.

If at first you don't succeed, do the exact same thing: Many of the Delta water cuts stem from the radicals' litigation meant to protect salmon and smelt. Yet after decades of water reductions, the salmon population fluctuates wildly, while the smelt population has fallen to historic lows. The radicals' solution, however, is always to dump even more water from the Delta into the ocean, even though this approach has failed time and again.

The striped bass absurdity: If the radicals really want to protect salmon and the Delta smelt, it's a bit of a mystery why they also champion protections for the striped bass, a non-native species that eats both salmon and smelt.

Hetch Hetchy hypocrites: The San Francisco Bay Area provides a primary support base for many environmental groups. Lucky for them, their supporters don't have to endure the kinds of hardships these organizations have foisted on San Joaquin Valley communities.

While the radicals push for ever-harsher water restrictions in the Valley, their Bay Area supporters enjoy an unimpeded water supply piped in across the state from the Hetch Hetchy reservoir in Yosemite National Park. This water is diverted around the Delta, meaning it does not contribute to the Delta's water quality standards.

Environmental groups have conveniently decided not to subject Hetch Hetchy water to any sort of litigation that would cut the supply to the Bay Area.

We're from the government, and we're here to help: Government agencies that catch smelt as part of scientific population measurements actually kill more of the fish than are destroyed in the supposedly killer water pumps.

Hitchhiking salmon: The San Joaquin River Settlement is estimated already to have cost taxpayers \$1.2 billion — and it's clear to me that the total price tag will likely exceed \$2 billion — in a disastrous effort to restore salmon runs to the San Joaquin River.

Moreover, the settlement legislation defines success as reintroducing 500 salmon to the river, which means spending \$4 million per fish. The salmon, which have not been in the river for more than half a century, have proved so incapable of sustaining themselves that agents have resorted to plucking them out of the water and trucking them wherever they are supposed to go. It is a badly kept secret among both environmentalists and federal officials that this project has already failed.

A man-made state of nature: The radicals claim they want to reverse human depredations in the Delta and restore fish to their natural habitat. Yet the entire Delta system is not natural at all. It's a man-made network of islands that functions only thanks to upstream water storage projects. In fact, without man-made storage projects, canals and dams, in dry years such as this the rivers would quickly run dry, meaning there would be no water and no fish.

A Three-Step Solution

The radicals have pursued their plan methodically and successfully; between the CVPIA, the biological opinions, and the San Joaquin River Settlement, around a million acres of farmland have been idled. What's left of the water supply is inadequate for sustaining Valley farming communities: South of the Delta, we now face an annual water supply deficit of approximately 2.5 million acre-feet, or 815 billion gallons.

In fact, with the state groundwater regulations announced last year, the radicals are poised to achieve their goal. The depletion of groundwater is a direct effect — and indeed, was an intended result — of the radicals' assault on our surface water.

(After all, if farmers, churches, schools and communities can't get surface water, they'll predictably resort to ground water.)

But the radicals have perversely cited the groundwater depletion they themselves engineered to justify regulating the groundwater supply. This is the final step in their program, since many farmers will not be able to keep growing food if they continue to receive zero water allocations and are restricted from tapping enough ground water.

The Valley cannot endure this situation much longer, but the good news is that it's not too late to save our communities. Led by the Valley's Republican delegation, the U.S. House has passed legislation twice that would bring a long-term end to the water crisis. The solution comprises these three simple measures:

- Return Delta pumping to normal operations at federal and state pumps. Because normal pumping levels are already paid for, this measure would cost taxpayers zero dollars.
- Fix the San Joaquin River Settlement. Instead of continuing to spend hundreds of millions of dollars on an unworkable scheme to recreate salmon runs, we should turn the San Joaquin River into a year-round flowing river with recirculated water. This approach would be good for the warm-water fish habitat and for recreation, and it would save taxpayers hundreds of millions of dollars that will otherwise go down the salmon-run rat hole.
- Expedite and approve construction of major new water projects. This should include building the Temperance Flat dam along the San Joaquin River, raising Shasta dam to increase its reservoir capacity, expanding the San Luis Reservoir and approving construction of the Sites Reservoir in the Sacramento Valley. Because water users

themselves should rightfully pay for these projects, they would cost federal taxpayers zero dollars.

These measures would not only end the water crisis, they would improve the environment for fish and wildlife — all while saving taxpayer dollars.

The Price of Inaction

I warned of the likely outcome of the radicals' campaign in my testimony to a House committee back in 2009:

"Failure to act, and it's over. You will witness the collapse of modern civilization in the San Joaquin Valley."

That is indeed the grim future facing the Valley if we don't change our present trajectory. The solution passed twice by the U.S. House, however, was blocked by Senate Democrats, who were supported by the administration of Gov. Brown as well as the Obama administration. These Democrats need to begin speaking frankly and honestly with San Joaquin Valley communities, and with Californians more broadly, about the effects of idling 1.3 million acres of farmland. This will ruin not only Valley farming operations, but will wipe out entire swathes of associated local businesses and industries.

The damage is not limited to the Valley. Although residents of coastal areas such as Los Angeles, the Bay Area and San Diego have been led to believe they are being subject to water restrictions due to the drought, that's not actually true. As in the Valley, these areas and many others ultimately depend on the Delta pumps for their water supply. If the pumps had been functioning normally for the past decade, none of these cities would be undergoing a water crisis today.

And it's a safe bet that Brown's mandatory water reductions will not alleviate the crisis, leading to a drastic increase in restrictions in the not-too-distant future. Watering your lawn, washing your car and countless other everyday activities will be banned up and down California. In their mania to attack Central Valley farming, the radicals are inadvertently running the entire state out of water.

Endgame

Many organizations representing California agriculture, including water districts and — shockingly — even some San Joaquin Valley cities and counties, became part of the problem instead of the solution, having lent no support to the House-passed water bills. Suffering from a strange kind of Stockholm Syndrome, many of these groups and agencies hope that if they meekly accept their fate, their overlords will magnanimously bestow a few drops of water on them.

This mousy strategy, which willfully ignores what the radicals are really trying to achieve, hasn't worked out well for growers of almonds and other high-value crops. Although the radicals had been promising them a free pass back when the groups met with me in 2002, these growers have now become the radicals' primary scapegoat for the water crisis. This condemnation is reflected in articles such as The Atlantic's "The Dark Side of Almond Use," The Guardian's "Alarm as Almond Farms Consume California's Water," and Bloomberg View's "Amid a Drought, Cue the Almond Shaming."

Sadly, the end is near for communities whose land will be forced out of production. One hopes the affected families will eventually find a more welcome home in some other state where those who wield power appreciate folks who grow our food instead of demonize them.

But for now, the pitiless, decades-long assault to deprive them of their livelihoods is hurtling toward its apex. Meanwhile, many of those capable of advancing a solution are content to wring their hands, blame global warming and continue whistling past the graveyard.

Agriculture groups, water districts and municipalities that refuse to support the two House-passed bills owe their constituents an alternative solution that will resolve our water shortfall. Water bureaucrats who ignore or oppose the most prominent, viable solutions while offering no alternative are, in effect, complicit in the radicals' long struggle.

They should publicly declare which land ought to come out of production and which Valley industries should be eliminated since they have no proposals to steer us away from that outcome.

The Valley's critical situation today demands unity around constructive solutions. To paraphrase Benjamin Franklin, we must all hang together, or we will surely all hang separately.

- Nunes is chairman of the House Permanent Select Committee on Intelligence. He represents California's 22nd congressional district.