

Westlands-fed farm drainage deal faces Capitol Hill currents

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A Congress that has [stumbled over a California](#) water bill amid record drought now faces a challenging new fight over irrigation drainage.

But this time, some of the state's most politically powerful farmers have the Obama administration explicitly on their side. Together, they will be seeking approval of a far-reaching settlement that satisfies the Justice Department and Westlands Water District but alarms critics.

"I think after years of frustration, we've finally got something done," Rep. Jim Costa, D-Fresno, said in an interview Wednesday. "It's a compromise and, like any, there was give and take on both sides."

In a federal court filing Wednesday, the Justice Department provided both details and a road map for the irrigation drainage settlement formally agreed to by federal and Westlands officials the day before.

Years in the making, the settlement relieves the federal government of its obligation to provide drainage for Westlands' farms. Federal officials now peg the constantly escalating overall cost of that drainage at upward of \$3.5 billion.

The 600,000-acre Westlands district will assume responsibility for providing the drainage that takes away tainted irrigation water.

We look forward to working with Congress and all interested parties as the settlement is reviewed in the legislative process. Bureau of Reclamation Commissioner Estevan López

In turn, Westlands will be forgiven the rest of its capital cost debt owed for construction of Central Valley Project irrigation facilities. Interior Department officials now estimate the debt to be forgiven at upward of \$375 million.

Myriad other provisions are included in the 10-page settlement plus attachments made public Wednesday, including Westlands agreeing to pay Mendota-area farmer Michael Etchegoinberry and others who [filed a class-action lawsuit](#) against the Interior Department. The farmers argued the failure to provide drainage so damaged the land that it amounted to a government taking.

Westlands also agreed to retire at least 100,000 acres of farmland, although the district can count toward the total some land already taken out of production. Westlands would gain ownership of the federal pipes, canals and pumping plants serving the district.

Congress should pass the necessary legislation by January 2017, according to the settlement. If it doesn't, either the government or Westlands can nullify the deal unless they agree to an extension. As part of the legal package submitted Wednesday, officials included a six-page draft of the proposed bill.

In a statement, Bureau of Reclamation Commissioner Estevan López said the settlement avoids a "court-imposed obligation (that) would jeopardize important investments in conservation, environmental restoration and water infrastructure."

The next stop for this settlement is Congress, where I will strongly oppose it and ask the tough questions necessary. Rep. Jerry McNerney, D-Stockton

The Capitol Hill undercurrents, though, could get tricky.

“The best thing that could happen would be for us to take the time to understand the implications of this,” Rep. John Garamendi, D-Davis, said in an interview Wednesday. “But my guess is that they will try to ram it into must-pass legislation, and that would be a mistake.”

Another lawmaker who represents part of the Sacramento-San Joaquin Delta, Rep. Jerry McNerney, D-Stockton, called the settlement an “outrageous windfall for Westlands” and vowed to “ask the tough questions necessary when California’s largest and very profitable water district is absolved of its obligations at the expense of taxpayers and the environment.”

Westlands will enter the arena with certain advantages, including a Washington, D.C., advance team that includes, records show, four separate lobbying firms and several former members of Congress.

A potentially crucial player, Democratic Sen. Dianne Feinstein, has not yet publicly committed herself, though she noted Wednesday that the drainage issue “has lingered for decades and needs to be resolved.”

“From what I’ve seen, the settlement agreed to by Westlands and the Department of the Interior is very complex and my staff and I are reviewing all the details and ramifications,” Feinstein said in a statement.

Feinstein’s Democratic colleague, Sen. Barbara Boxer, is also still reviewing the proposal, Boxer’s spokesman Zachary Coile said.

In the House, Costa anticipates introducing the settlement bill along with Rep. David Valadao, R-Hanford.

Any action might take a while.

After an 18-year legal battle, negotiators in September 2006 reached a deal to restore salmon to the San Joaquin River below Friant Dam. Legislation implementing the settlement was first introduced in December 2007.

In March 2009, the [San Joaquin River legislation](#) finally reached the White House as part of a larger package.

Since then, San Joaquin River restoration [costs have risen](#) and the performance has fallen short of what lawmakers had envisioned.

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