

Drought worries weren't enough to force agreement on Calif. water bill

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California lawmakers' repeated failures to agree on legislation to resolve the state's seemingly endless battle over how to use its water resources raise new questions about whether they'll ever be able to find a compromise.

This year, the climate looked ripe for an agreement. The state endured another year of drought. The tracks seemed greased, with House Majority Leader Kevin McCarthy, R-Bakersfield, conducting. The staffers worked tirelessly, and in Democratic Sen. Dianne Feinstein, Central Valley Republicans had an experienced negotiating partner.

Now, cold rain and snow have returned to California, dampening the sense of urgency. McCarthy and Feinstein are denouncing each other in ways that won't soon be forgotten, and frustrated lawmakers are left to either pick up the pieces or point fingers. Late Thursday, Republican representatives admitted defeat, acknowledging that no legislation would happen this year.

"Sadly," McCarthy said Friday, "our senators have once again failed to rise and meet the challenge with us."

The No. 2 Republican in the House of Representatives, McCarthy joined 12 other California GOP lawmakers at a Capitol Hill news conference designed to both pressure Feinstein and shape public impressions about the water bill's failure. They did not pull their punches, even as Feinstein said a compromise remained possible.

"Our senators," said Rep. Doug LaMalfa, R-Redding, "have basically pulled the football away from us once again."

Northern California Democrats countered that Republicans have only themselves to blame for the failure to achieve a compromise.

"It's not a good bill, and it's not good policy," said Rep. John Garamendi, D-Walnut Grove. "Beyond that, it's dead because it was grossly mismanaged by Republicans."

At issue is the effort to address California's drought with legislation. Proposals ran from new studies of water storage to funding for recycling and desalination programs. Central Valley Republicans wanted to expand the amount of water available for irrigation.

The House has proposed a compromise to ease the California water crisis – one that satisfies the Senate's demands – and once again Senate Democrats are rejecting our efforts by prioritizing fish over families. Rep. Devin Nunes, R-Visalia

The lawmakers wanted to fold what eventually became 92 pages of California water proposals into the \$1.1 trillion so-called omnibus spending bill needed to keep the federal government operating. Republicans observed Friday that Feinstein herself had agreed with using the must-pass spending bill as the vehicle for the water legislation.

But the Republicans could not win agreement from Feinstein and Democratic Sen. Barbara Boxer in time for the water package to make it into the omnibus bill, which is set for congressional approval early next week.

"There were at least a half-dozen items in the bill that I had rejected and that would have drawn objections from state or federal agencies; some of them would likely violate environmental law," Feinstein said, adding that "several more provisions were still being negotiated."

Feinstein said negotiators had “come to closure on virtually all” the remaining disagreements, and she indicated that she hoped to have a bill finished as early as next week that can move through “regular order.”

Regular order would mean going through the standard committee process sometime next year. Multiple House Republicans said Friday that they were skeptical of the prospects, though they don’t rule it out.

“I wish her luck,” said Rep. Ken Calvert, R-Corona.

The problems that sank this year’s effort were political, substantive, procedural and, to some degree, personal.

Late last week, under circumstances that remain murky, a McCarthy staffer presented a water bill package as having been signed off on by Feinstein. In fact, Feinstein had not approved the final language. While Calvert complained that “Feinstein took umbrage to what was at most a staffer error in a closed-door meeting,” the state’s senior senator resented the move.

“The bill that Republicans tried to place in the omnibus last week – in my name and without my knowledge – hadn’t been reviewed by me, Sen. Boxer, the state or the White House,” Feinstein said Friday.

Politically, the House GOP members had failed to secure support from Gov. Jerry Brown, the Obama administration and a slew of Northern California Democrats whose districts include the environmentally sensitive Sacramento-San Joaquin Delta.

In a memo dated Dec. 1 and marked “confidential,” Obama administration officials warned of “the prospects of a fresh round of litigation” being prompted by the proposed legislation. The 10-page memo further said officials were “deeply concerned” about new burdens being imposed.

Substantively, negotiators did reach agreement in a number of areas, including consideration of new water storage projects and funding for recycling and desalination. Republicans say their proposal also preserved the Endangered Species Act, a crucial question for both sides.

Negotiators, though, were unable to resolve key questions related to increased water pumping to farms.

These unfinished negotiations did not receive final sign-off from our Senate and House colleagues and certainly did not result in a fully vetted bipartisan product. Rep. Jerry McNerney, D-Stockton

Procedurally, Democrats complained repeatedly that they were shut out of meaningful negotiations.

“It was the same old stuff from the same interests who appear uninterested in getting to yes with Democrats like me and others, who have to be part of the conversation,” Rep. Jared Huffman, D-San Rafael, said Friday.

Republicans say the Democratic complaints of exclusion are overblown, and there was, in fact, Democratic participation for a time. Rep. Tom McClintock, R-Elk Grove, claimed that “half of the provisions” in the final House proposal were taken straight from Feinstein.

Garamendi said Friday that he had one meeting this fall with four senators and four House Republicans, which was followed by daily bipartisan staff discussions in McCarthy’s House office through mid-November.

In the end, though, the respective parties collapsed back into their respective camps.

“It’s like two bulls in a corral, and they’re trying to find out who’s the toughest and the meanest,” Garamendi said. “There’s a lot of stomping and snorting and pushing each other around, and at the end of the day, what’s it all about? It’s throwing dust in the air.”

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