

Effort Falters on San Francisco Bay Delta

Felicity Barringer, *New York Times*, 12-15-10

SAN FRANCISCO — A high-stakes effort to remake the San Francisco Bay Delta, the West Coast's largest estuary, is looking as fragile as the degraded delta itself these days.

Four years into the effort, the distance between competing water constituencies has only been widening as self-imposed deadlines come and go.

Farmers and cities in Southern California are pressing for a return to the abundant supply of water delivered through the 1,000-square-mile delta before a drought and legal rulings to protect endangered fish led to constraints two years ago. Environmentalists want ironclad guarantees that threatened fish like the minnow-size delta smelt will not be wiped out for want of water.

The Bay Delta Conservation Plan, a federal and state initiative, would re-engineer the delta to make it safe for native species and would establish a framework for water distribution for the next 50 years. The delta, where California's two largest rivers come together, supplies about one-quarter of the freshwater used by about 23 million Californians.

The goals of the plan are to keep vegetables and fruit trees growing in the Central Valley, taps running in Southern California and native fish swimming in the Sacramento and San Joaquin Rivers and in the briny western reaches of the delta, which the rivers feed and give it its formal name.

But the Westlands Water District, which serves some of the wealthiest and most powerful agricultural interests, has pulled out of the negotiations, saying it doubts it will get the water deliveries it had expected.

"The original purpose was to restore our water supply," said Tom Birmingham, the general manager of the district, which snakes along the western edge of the Central Valley and serves 600 farms, according to its Web site.

The route the water takes is not without risks. Because of 160 years of farming and the construction of 1,100 miles of levees, delta lands have sunk and are now 3 to 20 feet below sea level. Mindful of how Hurricane Katrina devastated New Orleans in 2005, planners are also focusing on the possibility that a big earthquake or storm could break crucial levees and allow saltwater from the bay to inundate the delta, which could shut off a large source of the freshwater supply for months.

Among the proposed solutions to the environmental and engineering issues is a \$13 billion tunnel that would tap into the Sacramento River farther upstream and divert water around the delta. The tunnel, which could be 33 feet in diameter and 33 miles long, would be designed to be more resilient to earthquakes. It could also eliminate the springtime problem of newly hatched young smelt being sucked into giant pumps south of the delta that pull the river water into the distribution system.

Another proposal calls for a canal system to serve the same purpose. And a third calls for installing gates to isolate one of the northernmost channels of the San Joaquin River, setting aside a permanent habitat for fish.

Both Gov. Arnold Schwarzenegger, a Republican, and the incoming Democratic governor, Jerry Brown, support the twin goals of making the supply of water running through the delta reliable and protecting the species that have dwindled.

As Spreck Rosekrans, a delta expert for the Environmental Defense Fund, said, “The reliability of our water systems is key to California’s economy.”

But Mr. Birmingham said that no agency contracting for water from federal or state projects “is going to spend billions of dollars on the implementation of a program that isn’t going to provide benefits to them.”

While he did not specify what water deliveries would be adequate, Mr. Birmingham and other Westlands officials had expressed comfort with the option most closely studied, which could ensure that the district gets more than 70 percent of the maximum flows that it contracts for.

In 2009, that flow was reduced to 10 percent of the contracted amount; a political outcry ensued.

The district originally joined in the conservation effort partly to win exemptions from some provisions of the Endangered Species Act. The premise is that helping to create or restore habitat for a species can outweigh the harm imposed by another activity — in this case, transporting water south through the federal and state systems.

The precise relationship between flows of river water and fish mortality is not clear. Still, environmentalists and fishermen note that the years of abundant water for farmers and Southern California cities corresponded to years when fish populations crashed — in the case of the smelt, almost to the vanishing point. (Judge Oliver W. Wanger of Federal District Court ruled Tuesday that the 2008 federal plan to protect the smelt was critically flawed and sent it back to the Fish and Wildlife Service for reconsideration.)

The work on the Bay Delta Conservation Plan had nonetheless been moving in a direction favorable to Westlands interests for much of the past year, with most of the attention devoted to a set of flow-related criteria that would assure the district of supplies they considered sufficient.

Then, federal and state biologists reported in September that those criteria could deprive the smelt of crucial water flow.

In November, David Hayes, the Interior Department’s No. 2 official, made it clear that the finding meant that other formulas, which would probably mean less water for farmers, would have to be studied as well. Westlands officials were furious.

“We were sold a bill of goods once again by the federal government,” said Westland’s president, Jean Sagouspe. In an interview, he said the scientific process had been “politicized,” and he went so far as to call Mr. Hayes a “liar.”

Mr. Sagouspe predicted that the loss of Westlands financial support, which has covered more than a third of the planning costs so far, would doom the project. “Nothing will get built if we’re out,” he said.

In an interview, Mr. Hayes played down the district’s move. “I would turn my attention not to talking to them but to continuing the work we’re doing,” he said, adding that the other major water users are “still at the table.”

New actions and announcements from both state and federal officials are possible at any moment.

By agreement and by state law, Westlands had been sharing the cost of the plans with the Kern County Water Agency, which represents wealthy farmers and investors and growing communities to the west of the southern Sierra Nevada, and with the Metropolitan Water District of Southern California. These two agencies might now have to bear future costs with only the help of whatever money can come from the financially squeezed state and federal agencies.

So far the planning costs are expected to exceed \$226 million, however, and more than half of that has already been spent.

“The costs go up significantly if major parties are dropping out,” said Jeff Kightlinger, the chief executive of the Southern California district. “While we have not been necessarily as vocal as Westlands, we share the same frustrations.”

If the planning process falls apart, Mr. Kightlinger said, the water users might “limp along without a big grand fix but a number of patches.”

Environmentalists warn that inaction on the delta ecosystem could imperil aquatic life. At the same time, many acknowledge the need for a solution that also adequately addresses the needs of farms and cities.

“The theatrics of people leaving the negotiating table is just that, it’s theatric,” said Jon Rosenfield, a biologist with the nonprofit Bay Institute and a member of the restoration plan’s steering committee.

“There has to be a conservation and restoration plan for the delta,” Mr. Rosenfield said, “that improves the status of the species and provides better water supply reliability for the water users.”