

California Drought Loosens Some Environmental Rules

Lauren Sommer, KQED (San Francisco television), 1-20-14

Governor Jerry Brown is calling for water conservation as the primary strategy against California's record drought, but his emergency declaration on Friday also opened the door for weakening some environmental rules.

State regulators can now relax water quality standards, allowing rivers and estuaries to be saltier and warmer, as they try to manage the state's limited supplies.

The change is making some fishing and environmental groups wary, who fear that wildlife concerns will come second to the needs of parched cities and farms.

"There will be some tough choices coming down the road on how we balance protections for the environment and water supply," said Doug Obegi of the Natural Resources Defense Council. "There's just no getting around it in critically dry years like this one."

The change focuses on water quality control plans, like the one for the Sacramento-San Joaquin Delta, the hub of the state's water supply. The plan assures that a minimum amount of water is released from dams, so freshwater is provided for downstream water users and wildlife, including salmon.

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"They're minimum standards for protection of the estuary and they really are minimums," said Obegi.

Under the drought declaration, regulators can "consider modifying requirements for reservoir releases or diversion limitations." Dam operators may ask to reduce releases to keep water in the reservoirs, so it can be used later in the year. That could violate water quality standards in rivers below the dams.

"It's critical that we really maintain those minimal protections so that we don't further exacerbate the precarious nature of our native fisheries," says Obegi.

"The rivers are going to be super warm and super low," says John McManus of the Golden Gate Salmon Association. "Salmon are going need to help because we've got tens of thousands of jobs hanging in the balance that depend on California salmon runs." Several fishing groups are concerned that young salmon released from hatcheries won't survive the dry conditions.

Regulators Cite Needed Flexibility

Felicia Marcus of the State Water Resources Control Board says the new flexibility is key for her agency to balance the needs of wildlife and farms and cities.

"It just allows us to manage and operate this extraordinary circumstance in a more intelligent way," Marcus said.

Allowing dam operators to hold water back now could benefit both people and wildlife, Marcus said. The water will be released later in the year, when it's crucial for salmon runs and useful for farmers.

"It gets reduced to 'fish versus farms', but it's not that simple," said Marcus. "Sometimes the molecule of water a fish needs is the same molecule that a farmer needs."

Marcus says they'll be looking at water quality rules on a case-by-case basis. "When we run out of water, everyone gets less water and you have to figure out how, within the small amount of control you have, how it gets allocated," she said.

Just managing the needs of wildlife will be complicated. Some threatened fish species need water at different times of year than others do.

"How do we manage these limited water resources so we can preserve cold water for salmon while also providing for downstream water quality for fisheries and people?" says Obegi. "It's going to be a real balancing act."

Water supplies from the Sacramento-San Joaquin Delta are also controlled at certain times of year by environmental restrictions. Two large pumping plants near Tracy must slow operations when young salmon and Delta smelt could be harmed.

Some water districts blame those environmental regulations for limiting water supplies, but state regulators say in extremely dry years like this one, the rules have little effect. There simply isn't enough water to pump in the first place.

"It just hasn't rained," said Mark Cowin of the Department of Water Resources. "The environmental regulations still control pumping to some degree, but this is really about Mother Nature."

The state has said water districts in the Bay Area, Central Valley and Southern California can expect just five percent of their full allocation from the Delta. Regulators will revisit that number after the state's February snow survey.

"This year, everybody is going to feel some pain and we need to be smart about how we use our water supplies," said Cowin.