

Sen. Dianne Feinstein introduces \$1.3-billion California drought-relief bill

Noah Bierman, Los Angeles, 7-30-15

Sen. Dianne Feinstein filed her long-awaited legislative response to California's water crisis on Wednesday, hoping to broker a compromise that has eluded Congress through four years of fallow fields and brown lawns.

Feinstein's proposal would funnel \$1.3 billion over the next decade to storage, desalination and other projects. Her plan is in marked contrast to one approved by the GOP-controlled House, which would pump more water to San Joaquin Valley growers by rolling back environmental protections.

It is unclear whether areas of apparent common ground — including money for storage projects and efforts to control invasive predator species in the Sacramento-San Joaquin River Delta — will bring the warring sides together.

The stakes are high: whether Congress will pass any meaningful legislation to help drought-stricken California.

Feinstein, a Democrat known for deal-making and connections to agribusiness, said she had “no clue” whether Republicans in the House would endorse the bill and did not appear to engage extensively with them in crafting it.

“The House Republicans did their own bill and we did our bill,” she said.

A key Republican, Rep. David Valadao of Hanford, did not embrace the bill but was careful to leave the door open to negotiations. He said Feinstein's proposal “included some useful provisions while doing little to deliver more water to California farmers and families.”

“I remain hopeful we can come to an agreement that can advance through the House and Senate,” he said in a statement.

Congress has been unable to agree on legislation since the drought began four years ago, in large part because Republicans and Central Valley farmers have clashed with Democrats and environmentalists over whether to alter environmental rules.

Feinstein has been on both sides of the divide, feeling scorn from environmentalists last year after she failed to include them in negotiations with growers. She said Wednesday that she had consulted with 12 environmental groups in crafting her latest bill but did not expect to please both sides.

“Nothing with water easily passes anything,” Feinstein said. “That's just a given. This is the hardest area from which to legislate.

“You see the devil if you do. You see the devil if you don't,” she added. “It's just very hard. We've tried to balance this.”

Feinstein said she expects her bill to get a hearing in September and that she would like to pass a law by winter. But even if it did become law, the proposal would not be in its current form. Numerous lawmakers from both parties have introduced measures, or plan to, that could become part of the mix. Some are specific

to California; others take a regional view. Some are intended to fix short-term problems; others, such as Feinstein's, extend into the next decade.

House Republicans had looked to Feinstein as the one person who could bring key Democrats, including Gov. Jerry Brown, to a deal. The House bill approved this month passed largely along party lines.

Brown's natural resources secretary, John Laird, praised the additional funding in Feinstein's proposal, adding in a statement that many of its provisions align with state goals to increase recycling, conservation and water storage.

Water experts agreed that money seemed to be the bill's defining attribute.

“It's definitely a big boost in federal support. It's almost 10 times more than what the feds have provided so far, which is not a lot,” said Ellen Hanak, a senior fellow at the nonpartisan Public Policy Institute of California and director of its Water Policy Institute.

Feinstein's bill was co-sponsored by Sen. Barbara Boxer, her fellow California Democrat, who has been one of the most vocal critics of the GOP approach. Feinstein said her bill would not alter the Endangered Species Act, a key objection that environmentalists had to previous legislation.

“That was one thing that I insisted upon because I got that message,” Feinstein said.

Boxer, in a statement, said the bill “addresses California's devastating drought in a multi-faceted way.”

She noted that this is one of three bills she is sponsoring, a nod to the depth of the crisis.

Environmentalists are expected to approach Feinstein's bill warily, in part because they fear efforts to compromise could go too far in undermining species protections. Doug Obegi, an attorney for the Natural Resources Defense Council, said he was still reading the 147-page measure, with an eye toward making sure that Feinstein upheld her pledge to leave the Endangered Species Act intact.

“It looks like it is a compromise that does borrow some ideas” from both the Republican bill and a Democratic House bill sponsored by Rep. Jared Huffman of San Rafael, Obegi said.

Among the GOP provisions: more money for above-ground storage, programs to eliminate fish that prey on endangered Delta smelt, and increased fish monitoring near water pumps, with the aim of increasing pumping levels.

Among the Democratic provisions: more money for efficiency, groundwater and recycling projects.

Even if environmentalists throw Feinstein their support, they may be quick to withdraw it if her bill is used as a starting point for further compromise.

“It's hard to see the bill getting better from an environmental perspective through the current Congress,” Obegi said.

Peter Gleick, president of the Pacific Institute, an Oakland environmental think tank, said it was hard to say what form of drought relief would ultimately find approval.

“It remains to be seen what could possibly come out of the process that would be acceptable to both the Senate and the House and the president,” Gleick said.