

Feinstein, McCarthy strike water deal, but war goes on

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In the California water wars, nothing is ever simple and little is as it seems.

So it is with Sen. Dianne Feinstein's effort to strike a deal with House Majority Leader Kevin McCarthy and Republicans by linking a 90-page bill to a broader measure by Sen. Barbara Boxer, over Boxer's objections.

It is the first significant water-related legislation from Congress in a generation. That's noteworthy. From the perspective of San Joaquin Valley farmers who depend on Delta water and have suffered through the drought, it's an early Christmas gift, courtesy of Republicans led by McCarthy and Feinstein, a Democrat.

But it's a sour end to Boxer's 24-year tenure in the Senate. She has vowed to fight to kill her own bill, the Water Resources Development Act of 2016, and battle Feinstein, her supposed California ally. Boxer calls the Feinstein-McCarthy rider a poison pill.

Although the bill may not be as dire as some environmentalists say, it runs counter to 2009 state legislation that urges the San Joaquin Valley and cities to the south and west to reduce their dependence on Delta water.

The federal legislation almost surely will result in increased water exports, its basic point, and contains unfortunate language that would allow federal authorities to override scientists and order water exports that could further damage the Delta and fisheries.

Probably the best argument for the Feinstein-McCarthy bill goes like this: Donald Trump's administration, working with the GOP-controlled Congress in 2017, would ram through legislation that would be far more damaging to the Delta ecosystem. That argument is seductive, in light of Trump's nominees, including a climate-change-denying Oklahoma attorney general to head the Environmental Protection Agency.

The House approved the legislation, S. 612, on Thursday by a 360-61 vote, which is an impressive accomplishment in an era when bipartisan agreement is elusive. The compromise is a testament to McCarthy's and Feinstein's political acumen, and to the persuasive power of log-rolling.

There is something in the 728-page bill for many parts of the nation. Residents of Flint, Mich., would receive authorization for \$170 million to clean their contaminated water. There'd be money to restore salmon habitat in Hamilton City, to help Lake Tahoe, and to continue restoration of the concrete channel that is the Los Angeles River.

The bill includes authorization for \$558 million for water storage, recycling and desalination projects in California, including funding for a possible Sites reservoir north of Sacramento, an important addition to the state water system.

California Republicans joined McCarthy in supporting it; Democrats were split. Reps. Doris Matsui of Sacramento, Ami Bera of Elk Grove, John Garamendi of Walnut Grove and Jim Costa of Fresno were among the Democrats who voted for it, while 16 Californians including Minority Leader Nancy Pelosi and the rest of the Bay Area delegation opposed it.

The Obama administration warned in an internal memo that the legislation could undermine Gov. Jerry Brown's effort to restructure the state's plumbing in his California WaterFix. Brown has been silent on the measure. He ought to take a stand.

The measure doesn't directly affect Brown's plan to build two massive tunnels to bypass the Delta. But by allowing increased pumping from the current environmentally destructive system, the bill could lessen the need for the tunnels.

McCarthy, Feinstein and other Californians who support the bill insist that it won't weaken the Endangered Species Act, and there is no specific language in the bill that directly states the act would be undermined.

But the bill authorizes additional pumping, unless fisheries scientists can prove there will be damage to fish, virtually an impossible standard. And that could weaken Endangered Species Act protection, which is one of the bill's problems. The additional pumping could further deplete the Delta smelt, a species that is teetering on extinction. Environmentalists no doubt will sue to block the pumping, assuming the Senate passes the bill and President Barack Obama signs it.

McCarthy, Feinstein and others extolled the compromise. Some of it is praiseworthy. But no one should kid themselves. This bill will result in damage to the environment. And it won't end California's water wars.