

DOMEOCRACY



hardline political news and analysis

California Needs Water Reform, Not Hot Air

by John Lawrence

It might come as a surprise that House Republican leaders, who have wasted hundreds of hours (and millions of tax dollars) “repealing” the Affordable Care Act 45 times have a more cynical way to waste the time of our nation’s legislators while ignoring the urgent needs of the American people. If all goes according to plan, sometime next week, Republicans will pass a bill to end the drought plaguing California, overturning decades of balanced, negotiated, collaborative legislation and judicial opinions on which modern water law is based.

Now what makes this exercise in hydropolitics especially ludicrous is that this bound-for-oblivion bill — H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act – has never been the subject of Committee consideration. Or subcommittee consideration, for that matter. That’s because it was introduced ... *two days ago*. By 15 Republican House members who, with one exception have never been even marginal participants in the hair-pulling world of California water politics. You know this all-GOP maneuver is doomed from the get go when Sen. Dianne Feinstein, who can be overly sympathetic to the Valley’s water barons, dismisses the legislation in the strongest terms. (Sen. Barbara Boxer probably won’t even waste her breath commenting on the atrocity.)

For the vast majority of Americans, water has little to do with politics. But in the arid West, beyond the 100th meridian, and especially in California, hydropolitics are the political equivalent of a schoolyard knife fight, with big knives. Government can always print more money to address the deficit, but you can’t create more water to address a drought. For over a century, engineers, ranchers, farmers, city planners, and others dug, drilled, diverted and dammed their way to bigger and bigger supplies. In the middle part of the last century, environmentalists successfully entered the fray, demanding that proper water management reflect more than

simply maximizing diversions. Reformers during Democratic and Republican Administrations were able to legislate and litigate protections for sensitive estuaries and fisheries that had been decimated by the inability of politicians to say “no” to irrigators (who use over 80% of the state’s water).

What makes the misallocation of water in California so absurd is that the heaviest users are also the most heavily subsidized – by taxpayers (yes, like the legislators they elect, these welfare farmers are also conservatives who love to denounce government spending and federal involvement in private industry, but let’s let that hypocrisy go for the moment). Over the years, often with the compliance of a somnambulant (if not complicitous) Bureau of Reclamation, irrigators gobbled up the lion’s share of the state’s water as well as hundreds of millions of dollars in annual subsidies. Water was used to irrigate hundreds of thousands of acres of low-quality lands (the Bureau, asleep at the switch again), to grow crops that were either ill-suited to desert cultivation or that taxpayers were paying farmers elsewhere not to grow. Or both.

Congress finally started getting its hands around the crisis in the 1970s and over the next 20 years wrote laws to reduce subsidies, protect the areas where the water originates, improve water quality, rejuvenate fisheries, and create balanced mechanisms for modernizing water management and planning future development. The response of the big irrigators was less than cooperative; fat with taxpayer subsidies, they remain content to spend a tiny percentage of their annual profits on legal fees that obstruct implementation of reform laws, challenge judicial decisions, and complicate essential federal-state cooperation. One can walk away from California water politics for a number of years (as I did last decade), return, and find the players and the positions virtually unchanged, and the problems unsolved.

One of the reasons hydro politics is so fascinating is that it is, in microcosm, an illustration of so much of what is wrong with our political system, especially the malevolent and pernicious influence of big money on behalf of unworthy causes. If Valley irrigators did not have the billions dollars in profits provided by taxpayer subsidies, they could not afford to perpetuate decades of litigation to prevent reforms that have been approved on a bipartisan basis in Congress, by the courts and by regulatory agencies. In the past, when Members of Congress tried to push their irrigation constituents to accept reasonable changes, they were literally ordered to walk away from the negotiating table.

California, and much of the West, have serious water misallocations, no question about it. Unlike other states, however, California remains obdurate about initiating necessary reforms.

- Unlike almost every other Western state, there is no effective groundwater management program, so aquifers are being mined faster now than before construction of the massive state and federal water projects that were designed to relieve groundwater overdrafts.
- Poor quality land is still irrigated without any drainage plan decades after the discovery of serious biological hazards linked to drainage contamination.
- Low-quality lands are being irrigated, mainly to pump up their “value” in hopes that if the federal government buys out the farmers, the land will be considered “productive” and therefore, cost taxpayers more to retire.
- Some urban areas still refuse to install water meters to measure consumption.
- Twenty year old efforts by Congress to promote waste water reuse are drastically underfunded by the Bureau of Reclamation, which equates the pouring of concrete with success.
- Farmers who were supposed to pay off their interest-free loans for water projects not only are decades late in doing so, but will remain several hundred million dollars short when the new due date is reached in two decades.

Nor has the state government been much of a help. Gov. Jerry Brown, whose father concealed the real costs of the State Water Project he built as Governor in the 1950s, continues to promote a multi-billion expansion that will damage the environment and fisheries but leave in place many of the wasteful practices of the past; and *his* cost estimates are highly suspect, too.

So next week, House Republicans will offer up their drought “solution,” having involved none of the state’s multiple interests in developing or approving their ridiculous, doomed proposal. At least they are straight-faced about their real goals. Right up there, in sections 101 and 103, H.R. 3964 directs the Secretary of the Interior to “renew any existing long-term repayment or water service contract that provides for the delivery of water from the Central Valley Project for a period of 40 years.” At the “lowest reasonable cost.” *Translation:* ignore decades of laws, court opinions, negotiations, state-federal collaborations, investigations, exposes, scandals and environmental nightmares. Keep doing exactly what we have been doing for another 40 years, at the cheapest rates possible, regardless of the fiscal, environmental and political chaos that has roiled the state for a half century.

It is safe to predict that after the House passes H.R. 3964, each of those 15 Republican congressmen will send out press releases extolling their extraordinary achievement in securing vast additional water guarantees for their districts. But it is all a bunch of hooley. H.R. 3964 is simply the latest in a long series of deceitful maneuvers that substitute symbolism for the hard work it takes to address a tough environmental, economic

and political challenge. California needs water, not hot air; what's coming next week is a lot of the latter, and it will not deliver a thimble of additional water to anyone.