



California Sportfishing  
Protection Alliance

*"An Advocate for Fisheries, Habitat and Water Quality"*

July 25, 2008

Rep. Grace Napolitano  
Chair, House Subcommittee on Water and Power  
Washington, DC Office  
1610 Longworth Bldg  
Washington, DC 20515

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**Subject: House Subcommittee Hearing on "Federal Response to the California Drought Emergency," Fresno, California, July 21, 2008**

Dear Rep. Napolitano,

On July 21, 2008, you convened a field hearing of the House Subcommittee on Water and Power at Fresno City Hall to address impacts of the drought in the counties included in Governor Schwarzenegger's recent Emergency Declaration of a drought. You told audience members they could submit written remarks that would be made part of the hearing record. Please consider this letter for inclusion in the hearing record, along with our recent letter to the Water and Power Subcommittee of May 19, 2008, from the California Water Impact Network, which we include with this letter as well.

The California Sportfishing Protection Alliance (CSPA) and the California Water Impact Network (C-WIN) register our disappointment at the biased and unbalanced character of this congressional hearing. Notice was short, and we received word of the meeting from one of our directors just days prior to the hearing. It was not announced in the House Natural Resources Committee communication manager Allyson Groff's email newsletter until the date of the hearing, July 21st.

We were disappointed that the witnesses were drawn almost exclusively from water agencies in the Valley and agricultural interests, and that it appears that no effort was made to include a broad spectrum of views and interests to speak at a congressional hearing, a forum for the American public. We also incorporate by reference into our letter the views and requests of C-WIN director Lloyd G. Carter in his letter to you of July 24, 2008, which is also posted online at <http://www.c-win.org/>.

We are deeply concerned that you are taking as given the Governor's Emergency Declaration as a true representation of the situation in the San Joaquin Valley with respect to water supplies. Your announcement states,

*On June 4, 2008, California Governor Arnold Schwarzenegger released a Proclamation and issued an Executive Order declaring a drought for the State of California. The following week, Governor Schwarzenegger declared a State of Emergency in nine Central Valley counties. While the Governor made a disaster declaration for the nine counties, either the*

*President or the Secretary of Agriculture must make a Federal disaster declaration for Supplemental Crop Revenue Assistance payments to be made. On June 19, the United States Department of Agriculture designated Fresno County as a primary natural disaster area because of losses caused by drought. Farm operators in Inyo, Kings, Madera, Merced, Mono, Monterey, San Benito, and Tulare Counties also qualify for Supplemental Crop Revenue Assistance payments because they are contiguous to Fresno County. At the field hearing, the Subcommittee will explore how the Federal government can help mitigate the social and economic effects of water shortages in the Central Valley.*

The purpose of the drought emergency hearing was to hear about the impacts; your subcommittee is assuming the alleged drought emergency is real. It has long been our understanding that congressional hearings serve as an opportunity for congressional representatives to search out all relevant facts pertaining to the issue the hearing is to address. *It is especially important that the Subcommittee on Water and Power seek answers from all local interests—not just those of local, state, and federal water agencies and agribusiness—on the following questions:*

- What deliveries are anticipated for this coming irrigation season? What are the real needs for irrigation deliveries?
- Have available supplies been used efficiently in the recent past, and what have the consequences been of irrigating drainage impaired lands—such as those in the San Luis Unit of the Central Valley Project—that continue tainting downstream lands and water bodies?
- Given the profligate and wasteful method and place of use of large amounts of Central Valley Project water on the west side of the San Joaquin Valley under way for several decades now, is there truly a drought, or simply a shortage of adequate fresh water available now for lands that are not drainage impaired?
- Assuming arguendo that a drought exists, how did agencies so quickly forget the harsh lessons of previous droughts and not reserve some water in storage as a safety factor in anticipation of a second dry year?
- Is California truly experiencing a drought or the dire consequences of failing to adjudicate a half billion acre-feet of water rights in a state with an average unimpaired runoff of 77 million acre-feet?
- Is California moving quickly enough to tap its seven million acre-foot per year “virtual river” of conservation, reclamation and conjunctive use?

In other words, *the House Subcommittee on Water and Power ought to answer the broader question of whether there is a real irrigation water emergency in the San Joaquin Valley.* You can only do that by addressing the irrigation drainage-impaired lands on the west side of the Valley. It does not appear to our organizations you are attempting that investigation yet with your hearing this past Monday, but we encourage you to do so immediately.

Despite the media drumbeat and the Governor's announcement, *no one will know for sure how much water is truly available until Central Valley Project water is no longer used to irrigate lands that drain high concentrations and large mass loads of selenium, salts, boron, and other contaminants to impair the San Joaquin River and the Bay-Delta estuary downstream.* We respectfully submit that water is used wastefully and unreasonably on these lands, and when these lands are retired from

production, San Joaquin Valley water agencies and growers would suddenly find more water to go around on the remaining excellent and fertile lands that do not contaminate downstream water bodies. *We urge you to hold a hearing as soon as possible and insist that the US Bureau of Reclamation describe its recent feasibility study for treating tainted irrigation drain water.* Hopefully you are aware too that Senator Dianne Feinstein follows this issue closely, showing excellent foresight in obtaining important study results from the US Geological Survey and the Bureau on drainage issues facing San Luis Unit Contractors. These agencies' data and thorough analysis support the conclusion that retiring 379,000 acres of drainage impaired lands is the most cost-effective and environmentally beneficial alternative for the future of the west side of the San Joaquin Valley.

We believe you will eventually provide all Californians with interests in the crisis of water supply in the San Joaquin Valley, as you work with federal agencies and their state counterparts to protect the Delta, farming, farm workers, and drinking water supplies. And we also want you to remember that the Governor's Emergency Declaration is political cover for continued wasteful and unreasonable uses, methods of use, and unreasonable uses of water in the western San Joaquin Valley. Elimination of these irrigation and drainage practices fouling the San Joaquin River and the Bay-Delta would go a long way to alleviate this "drought emergency" without even another drop of rain falling in California this year.

Both C-WIN and CSPA formally request that you place our organizations on your notice lists for future hearings in the field and in Congress concerning San Luis Unit irrigation and drainage impaired lands issues. Thank you for carefully considering our protest and our opinions on the purpose and administration of this recent hearing.

Sincerely,



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