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CAPITOL JOURNAL

On water issue, Democrats try to give up some power

To get around Sacramento gridlock, legislators attempt to create an independent body to decide how to restore and upgrade the Sacramento-San Joaquin River Delta.

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Capitol Journal

August 25, 2009

From Sacramento

Take a good look because you won't see this often: The Legislature's majority party trying to surrender power.

It's power that Democrats have been incapable or unwilling to exercise anyway. And it's not like they're giving it to Republicans.

They're attempting to create an independent governing body to decide how to restore the ecosystem and remodel the waterworks of the deteriorating Sacramento-San Joaquin River Delta, a major source of drinking water for Southern Californians and irrigation for San Joaquin Valley farms.

Wealth, livelihoods and ways of life are at stake. Some of California's most combative interests -- agricultural, business, urban, environmental -- have been battling over the delta for decades. Because these stakeholders can't agree, neither can the politicians whose policies tend to be shaped by their patron interests. That's the system.

Handing off the decision-making authority to an outside entity was suggested by a special commission -- the Delta Vision Blue Ribbon Task Force -- created by Gov. Arnold Schwarzenegger and headed by attorney Philip Isenberg, a former high-ranking legislator and Sacramento mayor.

More than 200 federal, state and local entities have their fingers in delta water, the panel noted in its report last October. "Everyone is involved but no one is in charge. . . . Continuation of the current system of governance . . . guarantees continued deadlock and inevitable litigation."

Sen. Joe Simitian (D-Palo Alto), author of a bill to create a powerful Delta Stewardship Council, blames California's "reform tradition" for much of Sacramento's gridlock.

"In response to big-city machine politics on the East Coast, California created lots of checks and balances so nothing bad can happen," Simitian says. "The flip side is nothing good gets done. At some point, you have to let go and let somebody make the hard decisions.

"Those decisions would be better made in a less political environment by people who know what the hell they're talking about. The lesson of the last 25 years is that political institutions are not very well equipped to make plumbing

decisions. We need to provide for independence and expertise."

The senator's mention of the last 25 years refers roughly to the last time the Legislature and governor had the courage to step up and make a major water decision. They were slapped down by voters.

Gov. Jerry Brown and the Legislature authorized a "peripheral canal" to funnel Sacramento River water around the brackish delta and directly into a southbound aqueduct. But in 1982 an unlikely coalition of rich farmers and skittish environmentalists talked voters into repealing the legislation. Farmers thought the canal's operation would be too friendly to the environment, while environmentalists believed it wouldn't be friendly enough.

Voters actually had approved the canal in 1960 when they authorized bonds for Gov. Pat Brown's State Water Project. But by the time Oroville Dam and the California Aqueduct were built, the state had run out of money for the canal.

The canal originally was proposed by state wildlife officials to protect fish from being sucked into pumps draining delta water into the aqueduct. But many environmentalists, delta farmers and Bay Area cities over the decades have fought the canal, envisioning it as a giant straw to siphon additional northern water into valley irrigation ditches and Southland swimming pools.

But things have changed. We've entered a new era in the perpetual water wars.

The fishery has tanked and courts have curtailed deliveries to save the remaining fish. Delta levees are crumbling and are vulnerable to flooding or the inevitable big earthquake that could cut off all water shipments for years.

Global warming threatens to reduce the Sierra snowpack and melt it faster, requiring more water storage -- reservoirs and underground -- to prevent worse droughts and flooding. Scientists also predict that climate change will raise the sea level, swamping the delta with salt water.

The new fight against time is to restore the ecosystem while providing a reliable water supply -- emphasis on *reliable*, even if the supply is reduced from previous commitments.

There's a growing consensus among farm, urban and many environmental interests -- but still not delta farmers who rely on fresh Sacramento River water -- that some peripheral canal is needed. Or perhaps a peripheral *tunnel*. Or a combo of both. Or both combined with a more secure water route through the delta -- a route that could devastate one of the estuary's most scenic boating areas.

Whatever the "conveyance" -- new water lingo for the emotional word "peripheral" -- Democratic legislators want it to be decided by a seven-member Delta Stewardship Council. The governor would appoint four members and the Legislature two. The chairman of a Delta Protection Commission would be the seventh member.

The council's co-equal mission would be to improve both the ecosystem and water supply. It would assess fees on users of delta water to pay for the billions in upgrades.

The Simitian bill is part of a comprehensive Democratic package that also would, among other things, require a 20% reduction in urban water consumption by 2020. Crop irrigation likewise would have to be more efficient. And all groundwater levels would be monitored by local agencies and reported to the state.

"This is the most profound, the most radical change in water policy in my lifetime," says Randele Kanouse, veteran lobbyist for the East Bay Municipal Utility District. He says much tinkering is needed and urges the Legislature to delay final action until next year.

But Democrats are holding weekly committee hearings in hopes of passing legislation by Sept. 11, the end of this year's regular session.

Schwarzenegger, backed by Republicans, dampened optimism by vowing not to sign legislation that doesn't include bonds for dams. A bond bill would require a two-thirds majority vote, a generator of gridlock. The other water bills need only a simple majority vote.

"The governor has to decide whether he wants to solve this problem or have another food fight," says Assemblyman Jared Huffman (D-San Rafael), who heads the water committee.

Dams are needed. But they'd be of little use without a healthy delta. This is a once-in-a-generation chance to heal the estuary.

Critics might accuse Democrats of passing the buck. But it's a wise move that recognizes the Legislature's limitations.

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