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Water suppliers' delta accord under scrutiny

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Rich Pedroncelli / AP
A boat passes through the Sacramento-San Joaquin River Delta near Isleton, Calif..

Sacramento --

California is moving at breakneck speed on a plan to build what could be huge tunnels under the Sacramento-San Joaquin River Delta to carry water from Northern California to Southern California and the Central Valley.

The final project may use a smaller tunnel or perhaps a canal around the delta, but the big tunnel approach is favored by those that would benefit most: the major

suppliers of water for agriculture and for Southern California residents.

Those water suppliers have been granted significant control over the project in a recently signed agreement between the federal and state governments

that has angered some Northern California public officials, who last week objected to the arrangement.

Reps. George Miller, D-Martinez, and Mike Thompson, D-St. Helena, and three other members of Congress from Northern California raised objections in a strongly worded letter to the federal Department of the Interior, which brokered the deal. They wrote that the agreement gives water contractors "unprecedented influence over the process" and should be withdrawn.

"This raises very serious questions about whose process this is, ultimately; if the water export contractors' funding has given them control over the process, it would be to the detriment of the Bay-Delta and to the public interest," they wrote.

Legal battle

Under the deal, water suppliers will pay for the environmental impact report, must approve the consultants who do it, and can review it before it is made public. That memorandum of agreement comes amid a protracted legal battle over the threatened delta smelt.

"If there are changes being made to reflect the wishes of contractors before it becomes a public document, it might be difficult to parse that out," said Anton Favorini-Csorba, who studied the agreement for the Legislative Analyst's Office.

After the Northern California officials complained, the state Department of Water

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Resources and federal Bureau of Reclamation announced Friday that they would take public comment on the agreement.

At issue is California's Bay Delta Conservation Plan, a 50-year proposal to restore the delta ecosystem while making water supplies taken from it more reliable. The plan was started in 2006 when water exporters sought to cement their diversions and revive collapsing fish species.

The plan is intended to improve the ecosystem to a degree that state and federal governments would issue permits to allow for the incidental killing of some endangered species, thus clearing the way for the construction of a pipeline or canal to move water.

Potential pitfalls

It's an effort loaded with potential political pitfalls even as people on all sides cling to hope that the right actions will be taken before a major earthquake hits the region, causing widespread human and economic disaster if levees, as predicted, fail.

Not only would that result in extensive flooding, it would cut off water supplies to residents and farmers throughout the state.

Despite the urgency to fix the delta, state lawmakers and others say they see multiple red flags with the current process - among them that the giant pipelines are being sought even though no one knows how big a project is actually needed or how it will be paid for. Lawmakers warn that the whole effort could soon fall apart.

Contractors would pay for construction and operations of whatever is built by raising water rates. There is not yet a secure source of money to pay for delta restorations.

That concerns environmentalists, who also believe that science to determine the actual needs of the ecosystem have taken a backseat to project planning.

For their part, water contractors say they will abandon the work if they aren't guaranteed sufficient water supplies. Westlands Water District, which covers 600,000 acres of Central Valley farmland, announced it was walking away last year because of a broken agreement on water supplies and alleged scientific malfeasance by the Department of the Interior. The district came back after a federal judge blasted the department's science.

Contractors said the signed agreement ensures that the process continues to move forward on a known timeline, and that they know what they are getting for their money. Contractors already have spent \$140 million on the planning process and will pay \$100 million more.

"From our standpoint, we're not trying to have access to the exclusion of others. We're trying to make sure we've exercised all of our rights to at least see what we are paying for," said Roger Patterson, assistant general manager of the Metropolitan Water District of Southern California, which provides drinking water for 19 million people.

Jason Peltier, deputy general manager for Westlands, said the focus of planning has been on the largest project, two underground tunnels that could carry up to 15,000 cubic feet of water per second, but said the agency is open to other options. Pumps north of Tracy currently move water at 767 cubic feet per second, though the whole system is capable of moving more than 16,000 cubic feet per second.

The nine other options under consideration include smaller projects, with the smallest having a capacity of 3,000 cubic feet per second. Contractors said that probably would be too small. Cost estimates have ranged widely, but officials believe the tunnel project could run \$12 billion to \$16 billion.

Peltier said the district is still determining how much water it will need in the future.



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Westlands is allowed up to 1 million acre-feet per year, but has gotten considerably less in recent years because of federal government restrictions to protect salmon and delta smelt.

He said that and other issues will determine if the district agrees to pay for a project.

State Sen. Lois Wolk, D-Davis, said water contractors and state officials suffer from a "lack of realism" about what can and should be done.

"You have a state and a nation that is in almost depression, and you have a wall of debt that the governor has talked about. You have an unwillingness to pay, a series of unrealistic assumptions by the contractors, and a schedule that is hell-bent on completion of this in a short period of time," she said. "I think it's a recipe for failure once again."

Assemblyman Jared Huffman, D-San Rafael, recently held a hearing on the progress of the work and said it raised serious concerns for him. They include the agreement giving water contractors prior review, what he sees as a lack of a focus on science, and the proposed size of the project.

He said he believes a proposal for the largest option would be "dead on arrival." He said anyone who thinks more water will be taken from the delta than is currently is "delusional."

'The delta is dying'

"I think this reality check needs to come because the status quo in the delta is unacceptable. The delta is dying," he said. "But if it's this overreach by exporters ... then we're really not getting anywhere."

State water officials said California should not limit its thinking about the size of projects the state can pull off.

Gerald Meral, deputy secretary for the Bay Delta Conservation Plan in the Department of Water Resources, said he had no concerns about the agreement with contractors. The reason the state entered into it, he said, "is this project is being paid for directly by the water contractors."

Meral said if a large-scale project becomes the goal, "That's a decision (contractors) will have to make. Can they afford to build this and, if so, do they want to build this?"

To get involved

The plan: To see the full memorandum of agreement, go to www.bdcweb.com.

To comment: Submit via e-mail to bdo@usbr.gov or by mail to Bureau of Reclamation, Bay-Delta Office, 801 I St., Suite 140, Sacramento, CA 95814 by 5 p.m. Nov. 16.

E-mail Wyatt Buchanan at wbuchanan@sfgchronicle.com.

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