



## Talks on drought bill underway on Capitol Hill

*By Michael Doyle and Mark Grossi  
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WASHINGTON — California’s water future is boiling below the surface this week.

Only the chosen few have a clue about details. Bill documents, currently about 50 pages, are stamped “confidential draft language, do not distribute.” Capitol Hill doors are shut, congressional timetables are opaque and negotiators are strictly mum.

“We’ve taken our vow of secrecy,” Rep. David Valadao, R-Calif., said Tuesday.

The coming days, though, could be crucial.

House Republicans and Democratic Sen. Dianne Feinstein of California and their respective staff members have been amicably swapping proposed language and coming ever-closer to agreement. On Thursday, California’s GOP House members received a detailed briefing at their weekly lunch.



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Rancher Jon Pedotti walks on the cracked remains of a parched lake bed on his ranch located along San Simeon Creek in the Santa Lucia Mountain foothills of Cambria, Calif.

In a potentially telling move, Westlands Water District General Manager Tom Birmingham arrived in Washington this week. The water-hungry Westlands district stands to be a big winner in the legislation, and Birmingham’s presence enables him to weigh in, and possibly sign-off, more quickly.

“We’ve been talking about this legislation for months,” Birmingham said Tuesday.

Like most other farm contractors on the federal Central Valley Project, the Rhode Island-sized Westlands Water District was left with a zero allocation of Northern California river water. Farm leaders challenged the way state and federal officials divided up the little water that was available in this intense drought.

Responding to farmer unrest, the GOP-controlled House passed a far-reaching bill in February. Drawing largely on a bill previously introduced by Rep. Devin Nunes, R-Calif., it rolled back a landmark 1992 law that directed more water to protect the Sacramento-San Joaquin Delta. The bill also removed wild-and-scenic protections from a half mile of the Merced River and authorized new water storage projects, among other provisions.

The Senate countered in May with a slimmed-down bill passed by unanimous consent, also without a committee hearing.

Democrats who voted against the 68-page House bill, and whose congressional districts span part of the 1,100 square-mile delta, have complained they have been shut out of the subsequent negotiations. Some have seen scraps of language, such as a draft that cited the “significant public interest” and “urgency” over completing water storage project feasibility studies.

One draft version was 48 pages; by the time it’s put into formal legislative language, the final bill could be upwards of 60 pages or more.

Environmentalists, fishing and wildlife advocates also want a public hearing on any drought legislation. They say they hear rumors of a bill that ignores environmental law to get more Northern California water for Westlands, a 600,000-acre district based mainly in Fresno County.

Jerry Cadagan, longtime water activist, said many groups do not want such a bill to pass quietly through the Senate.

“If there’s no opposition, wham! It could go through,” he said. “That’s what we fear.”

Seven groups have written their concerns and opposition to Feinstein. The groups include the National Resources Defense Council, Audubon California and Ducks Unlimited.

“With decades of experience, Sen. Feinstein knows the importance of being inclusive on controversial and complex pieces of legislation that impact not only the state of California, but other Western states,” environmental activist Patricia Schifferle said Tuesday.

Feinstein’s spokesman, Tom Mentzer, said Tuesday only that “draft language continues to be negotiated between House and Senate offices and nothing is final.” Feinstein’s California colleague, Democratic Sen. Barbara Boxer, who chairs the Environment and Public Works Committee, has yielded leadership on the water issue to Feinstein.

Republicans add that the House Democrats who represent the Delta and Northern California are never going to vote for the final bill anyway, so it makes no political sense to let them into the room where the deals are cut. One of the few Democrats besides Feinstein who’s privy to details is comfortable with this calculation.

“I’d like to see if we can get an agreement by the end of this week,” Rep. Jim Costa of California, one of the few Democrats to vote for the House bill, said Tuesday. “If we’re successful, then we can share the language with others.”

The one-sided secrecy is also a kind of mirror image of what happened in 1992, when Democrats stiff-armed Republicans in writing the environmentally oriented Central Valley Project Improvement Act. Republican and farmer anger over the 1992 CVPIA contributed to years of litigation, restlessness and, ultimately, backlash.

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