



## **Huge Delta water deal backed by Dianne Feinstein, Jerry Brown, Kevin McCarthy**

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California's most senior Democrat and most powerful Republican in Washington are teaming up to extend a federal law designed to [deliver more Northern California water south](#), despite the objections of some of the state's environmentalists.

While controversial, the language in their proposal could help settle the contentious negotiations currently underway in Sacramento on Delta water flows — the lifeblood of California agriculture as well as [endangered salmon and smelt](#).

Democratic Sen. Dianne Feinstein and Rep. Kevin McCarthy of Bakersfield, the House majority leader, are leading the push to fold an extension of expiring provisions in the 2016 Water Infrastructure for Improvements for the Nation (WIIN) Act into the year-end spending bill that Congress must pass this month. And on Friday, they won the endorsement of Democratic Gov. Jerry Brown.

The legislation would make hundreds of millions of federal dollars available for California water storage projects as well as desalination and water recycling programs.

The WIIN Act also gives the federal government's Central Valley Project and the State Water Project more operational flexibility to increase water deliveries at certain times of year to the south state through the massive pumps in the Sacramento-San Joaquin Delta, leaving less water in the system for Chinook salmon and other endangered species.

The ability to pump more water has become a key demand of local water agencies that are in the midst of trying to negotiate a water flow agreement for the lower San Joaquin River watershed.

They are in talks with California officials to try to [stave off a controversial proposal](#) by the State Water Resources Control Board to divert considerably more of the San Joaquin's flow to fish, leaving less for farms and cities.

The board is scheduled to vote on the plan Dec. 12 but Brown's administration has been [urging the farms and cities](#) to make voluntary deals under which they would pay for habitat restoration and other projects to help the fish. In return, they wouldn't surrender as much water as the state water board is proposing.

Jeff Kightlinger, general manager of the Metropolitan Water District of Southern California, said an extension of the WIIN Act would give those farms and cities more comfort with the river-flow settlements. They're more likely to accept a deal if they "have the added certainty that things like the WIIN Act will allow you to get more water supply more reliably," Kightlinger said.

Feinstein and McCarthy also want the deal to help fund the potential settlement agreements — part of a bid to win Brown's support for their proposal. The WIIN Act extension would authorize the Secretary of the Interior to collect fees from the participating water contractors to pay for things like habitat restoration.

It appeared to have worked. On Friday afternoon, Brown released a statement saying he supported the extension of the law, "including important provisions that House Majority Leader McCarthy and Senator Feinstein have proposed that enable California water users to participate in voluntary agreements and help improve river flows to restore fish populations."

Environmentalists were quick to blast the legislative proposal, and Brown's decision to support it.

Doug Obegi, a lawyer with the Natural Resources Defense Council, said the outgoing Democratic governor is cooperating with the Republicans in an effort to keep the Trump administration from backing away from his controversial Delta tunnels proposal. "This agrees to be a quid pro quo where the governor trades away our salmon and thousands of fishing jobs for his stupid Delta tunnels," Obegi said.

Osha Meserve, a Sacramento lawyer representing environmental groups that oppose the Delta tunnels project, said the law "creates a pot of money that could potentially be put towards what we think of as environmentally destructive projects."

The original law "was supposed to be kind of special to accommodate the pain of the drought that was going on," added Meserve. Now that those drought conditions have mostly abated, she questioned the necessity of extending the same, more flexible standards for pumping in the Delta.

As it stands now, most of the provisions in the WIIN Act are scheduled to expire in 2021. Feinstein and McCarthy's proposal, which is supported by a handful of other California members of Congress from both parties, would extend the California sections of the law until 2028.

And it would make more than \$670 million in federal funding available for water storage projects in the state. In the past, those funds have been used for studies on a controversial proposal to raise Shasta Dam and one to expand the San Luis Reservoir.

Brown's administration has been opposed to the Shasta Dam project. It would also provide \$160 million over for wastewater, groundwater, water desalination projects. An example of one such project: the North Valley Regional Recycled Water Program, which transports recycled wastewater from the cities of Turlock and Modesto to agricultural users in the Del Puerto Water District. The program has received several million dollars from the federal government through the WIIN Act.

The 2016 law hasn't translated into lots of additional water for south state water agencies thus far, mainly because state officials have been reluctant to cooperate with federal efforts to increase pumping through the Delta, according to Obegi. The state and federal governments operate the pumps in tandem.

Frustrated Trump administration officials have been trying to ramp up the pressure on California to increase water deliveries in recent months. In August, the Interior Department and Bureau of Reclamation declared they want to renegotiate a landmark 1986 agreement that governs how the state and federal governments operate the Delta pumps. Outside policy experts say the Trump administration is trying to take greater control over Delta operations and ship more water to the federal Central Valley Project customers, almost all of whom are San Joaquin Valley farmers that are allied politically with the president.

Environmentalists say greater federal control would translate into fewer protections for fish. "I am hopeful that the state of California will stand its ground," said John McManus of the Golden Gate Salmon Association, which represents commercial fishermen.

Congress has just a week to work out a spending deal to keep the federal government funded for the rest of the fiscal year. The water proposal Feinstein and McCarthy are pushing is only one of dozens of potentially controversial measures lawmakers are trying to add to the bill. And like the others, the WIIN Act extension is likely to be a subject of last-minute horse trading. But the bipartisan nature of the measure — and the endorsement of California's governor — give it a significant edge.

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