

Amid California's drought, environmental laws get scrutiny - Capitol Weekly

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News



Young rainbow trout at the Warm Springs Fish Hatchery near Big Pine, Calif., on the eastern side of the Sierra Nevada. (Photo: Sean Lema, via Shutterstock)

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The impacts of California's interminable drought are well-known. But one aspect has drawn little relatively attention — its relationship with environmental laws.

Last year was the second-driest water year on record, with all 58 California counties placed under a drought emergency proclamation, according to California's [official drought website](#). The map shows how the vast majority of California is suffering from moderate to extreme drought conditions.

The impacts of a water shortage ultimately will affect everyone in California as usable water continues its downward trend, says [California Water Watch](#), which tracks the state's water conditions. It notes that the next two decades could see California lose "10 percent of its water supplies" due to the warming climate.

The cutoff affects farmers differently, depending on their water rights, but both state and federal cuts clearly have a sharp impact.

Some, led by farmers, argue that certain environmental laws — the [California Endangered Species](#)

[Act](#) (CESA) and the federal [Endangered Species Act \(ESA\)](#) – actually make the drought worse.

Environmentalists and conservationists say protecting the species does not harm agriculture, and the fierce debate continues.

It is clear that water to farmers declined dramatically. For example, California farmers were allocated little or no water from the federal government, as noted in [a March 2022 announcement](#). The cutoff affects farmers differently, depending on their water rights, but both state and federal cuts clearly have a sharp impact.

The CESA is an environmental law, enacted in 1970, that “conserves and protects plant and animal species at risk of extinction,” notes the state [Department of Fish and Wildlife](#). It protects about 250 species from being imported into California, exported out, killed, possessed, purchased, or sold without proper authorization.

Agriculture advocates say both the state and federal governments protect species at the expense of food for people.

The CESA was repealed, then replaced with an updated form in 1984, then amended once again in 1997.

CESA’s federal counterpart is ESA, which is administered by the U.S. Fish and Wildlife Service (FWS) and the U.S. National Oceanic and Atmospheric Administration (NOAA) Fisheries Service. The ESA protects endangered plants and animals in tandem with the states, says the [U.S. Environmental Protection Agency](#) (EPA).

Agriculture advocates say both the state and federal governments protect species at the expense of food for people. By diverting water from farms, they argue, the laws make the drought even worse and exacerbates the water-supply struggles they already face.

This is not a new complaint.

“Farming and agriculture are quickly becoming the endangered species,” says Mario Santoyo, then assistant general manager for Friant Water Authority, in a 2010 article by Catherine Merlo of [Dairy Herd Management](#), a company that serves the United States’ dairy operators in an effort to create more efficient and profitable dairy businesses. It’s owned by [Farm Journal](#), an agricultural organization that reports on farmers, producers and the produce supply chain.

By one estimate, it takes [about 142 million gallons of water a day](#) to service California’s dairy cows.

Beth Pratt’s blog defends the ESA and opposes attempts to override it, notes the protection of the state’s environmental values.

Other upset members of the agricultural industry said their farms were only operating 5,000 acres, compared to 13,000 acres normally. They point to the wildlife protection actions that allow a huge quantity of water to run into the vast [Sacramento-San Joaquin Delta](#) east of San Francisco, rather than support farmers.

[NPR’s](#) Kirk Siegler, in 2015, also wrote about the plights Central Valley farmers face, made only worse by the water restrictions of the ESA. They vouch for the law to be changed to lessen the negative impact it has on farmers caught in the “man-made drought created by government.”

But Beth Pratt of the [National Wildlife Federation \(NWF\) Blog](#) says farmers are hurting and looking to blame wildlife protections for their water woes when wildlife are suffering from the drought as well. The blog defends the ESA and opposes attempts to override it, notes the protection of the state's environmental values.

The NWF's blog discusses and advocates for protecting "wildlife habitats and populations" and defending the environment.

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Environmentalists argue that the CESA and ESA have been successful and that its water consequences are not as dramatic as opposers say.

"I don't think there's been any species that have gone extinct that are on the list," says Ron Stork, senior policy advocate for the Friends of the River (FOR), a nonprofit advocacy group founded in 1973. "The bald eagle, the symbol of our country, and the California condor have experiences substantial recovery and range expansions and the like since they were listed."

[Stork](#) joined the FOR in 1987 as their Associate Conservation Director and is a national expert in "flood management, federal water resources development, hydropower reform, and Wild & Scenic Rivers." Stork, among other roles, is a member of the Governor's Flood Management Task Force.

Now, the red-legged frogs are "thriving again," according to the nonprofit [Water Education Foundation](#).

Stork acknowledges that the CESA and ESA are not flawless, however.

"Many species, probably the majority of them, have not seen a lot of measurable recovery." Stork continued to explain that these species have continued to survive under the acts, but have struggled to reach great regeneration in numbers.

[Friends of the River](#) (FOR), dedicated to "preserving and restoring California's rivers, streams, and their watersheds, and advocates on behalf of conservation and fighting climate change.

The CESA has made meaningful strides, saving species such as the California red-legged frog that were threatened under the act. Now, the frogs are "thriving again," according to the nonprofit [Water Education Foundation](#). The frogs have been reintroduced to the Yosemite Valley after a 50-year absence and, as of 2019, are once again breeding.

Proving its success so far, upwards of 227 would've gone extinct if not for the passing of the federal ESA, says the [Center for Biological Diversity](#). The act has been more than 99% successful.

"The Act has shown a 90 percent recovery rate in more than 100 species throughout the United States," it said.

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Editor's Note: Liam Gravvat is a Capitol Weekly intern from Sacramento State.

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