

Water interests are fighting California's bid to block Trump's environmental rollbacks

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California is close to adopting strict Obama-era federal environmental and worker safety rules that the Trump administration is dismantling. But as the legislative session draws to a close, the proposal faces fierce opposition from the state's largest water agencies.

To shield California from Trump administration policies, lawmakers are considering legislation that would allow state agencies to lock in

protections under the federal Endangered Species Act, Clean Air Act, Clean Water Act, Fair Labor Standards Act and other bulwark environmental and labor laws that were in place before President Donald Trump took office in January 2017.

Written by one of the most powerful politicians in Sacramento, state Senate President Pro Tem Toni Atkins, D-San Diego, Senate Bill 1 has strong support from some of California's most influential environmental and labor organizations, including some that helped get Gov. Gavin Newsom elected.

But several of California's [water](#) suppliers and agricultural interests, which also flex ample political muscle, oppose the measure. This coalition includes the Metropolitan Water District of Southern California, which has made SB 1 a top lobbying priority.

The water agencies fear the state would cement into law endangered species protections and pumping restrictions that would add to uncertainties about pumping water from the Sacramento-San Joaquin River Delta.

U.S. Sen. Dianne Feinstein, joined by four Democratic members of Congress from the Central Valley, also sent a letter to Newsom on Friday echoing concerns raised by the bill's opponents. Without changes, the legislation would "prevent the state from incorporating the latest science and other information in permitting decisions," the letter stated.

"We're stuck on one key issue, and that's the Endangered Species Act," Atkins said. "I'm keeping an open mind, but ... the intent of this bill is to protect programs that we have had in place for decades."

While Atkins said she will continue negotiations with the bill's opponents and will consider amendments, time is running out, since this year's

legislative session ends Friday.

Atkins appears adamant about keeping tough protections for endangered species in California.

She said the intent of the water suppliers and Central Valley agricultural interests is crystal clear—they benefit from Trump administration proposals to weaken the Endangered Species Act because that would allow them to divert more water from the delta.

"That is the hope on their part, " Atkins said.

The delta, the largest estuary on the U.S. Pacific Coast, is located at the confluence of the Sacramento and San Joaquin rivers and provides water for more than 25 million people and millions of acres of Central Valley farmland. The delta supplies a third of the Southland's water.

Newsom's position on the bill, known as the California Environmental, Public Health, and Workers Defense Act of 2019, remains unclear. His administration has been buffeted by intense lobbying by [environmental groups](#) who support the legislation and some of California's most influential agricultural interests, business groups and water suppliers, who have been fighting for changes to the bill.

The California Chamber of Commerce also labeled the bill a "job killer, " saying businesses would have a difficult time navigating the litany of new state environmental and workplace regulations and almost assuredly would unleash a wave of legal challenges, causing even more uncertainty for companies.

But the legislation mostly stoked the ongoing clash between water users—Central Valley farms and Southern California cities—and environmentalists over efforts to protect delta smelt, Chinook salmon

and steelhead trout in the delta by limiting the amount of water that can be siphoned away.

Jeffrey Kightlinger, general manager of the Metropolitan Water District of Southern California, said he's worried—the legislation will create separate sets of endangered species projections and pumping restrictions on California's two major water systems that draw water from the delta: the federal Central Valley Project, which is under the purview of U.S. Department of the Interior, and the State Water Project, which California authorities oversee.

Metropolitan draws water from the State Water Project, and Kightlinger said the amount of water his agency receives will be reduced if it has to abide by stricter state regulations than do customers of the federal water system. While Atkins' legislation specifically says that state law will apply equally to both water systems, Kightlinger fears that would be susceptible to legal challenge.

"It would cost us water. We'd be able to pump less ; federal contractors would be able to pull up more, " Kightlinger said.

Jennifer Pierre, general manager of the State Water Contractors association, said the state mandates also could derail voluntary agreements between water districts and state regulatory agencies that would allow greater flexibility in how to protect endangered species, including the use of habitat restoration and real-time water management techniques.

Pierre said the state law would require decade-old federal rules that regulate water pumping and species protections in the delta, called biological opinions, to be frozen into place, forcing new scientific findings that offer better management practices to be ignored.

Feinstein made the same argument in her letter to Newsom.

"Without additional flexibility, this provision would severely restrict voluntary agreements whereby water users would support additional flows and habitat improvements for salmon and other imperiled fish in return for some level of water supply reliability, " the Sept. 6 letter stated.

Doug Obegi of the Natural Resources Defense Council called the objections by water suppliers a ruse, saying the water agencies have a long history of trying to undermine endangered species protections so they can divert more water with little concern if native species go extinct.

"That's been their M.O. for years, " Obegi said.

Obegi said the legislation already allows state agencies to incorporate the latest science when drafting management plans for the delta.

He also said the need for the legislation grows more essential with every day Trump is in the White House.

The Trump administration last month took action to weaken the 45-year-old Endangered Species Act, including removing protections for creatures recently added to the threatened list and allowing the federal government to use economic costs as a factor in the decision about whether to list a species as endangered.

That came in the wake of the administration decision to roll back a series of Obama-era environmental policies, including stringent vehicle mileage standards and fighting climate change by phasing out coal-fired power plants.

In August, the Los Angeles Times also reported that federal officials suppressed a lengthy environmental report detailing how a number of California species would be jeopardized by Trump administration plans to deliver more delta water to Central Valley farms.

In the report, which is called a biological opinion, the National Marine Fisheries Service determined that siphoning out more water probably would imperil endangered Chinook salmon and threatened Central Valley steelhead, as well as endangered Southern Resident killer whales that eat the salmon.

"Given the rollback we see in D.C., we need the state to operate at multiple levels to resist the Trump administration," Obegi said.

The Westlands Water District, a San Joaquin Valley irrigation district led by some of the state's wealthiest growers, would be one of the biggest beneficiaries of Trump's proposal to allow more water to be withdrawn from the delta.

Interior Secretary David Bernhardt, before joining the Trump administration, was a partner at a law and lobbying firm that represented Westlands and sued the Department of the Interior four times on behalf of it.

John McManus of the Golden Gate Salmon Association said increased water withdrawals from the delta that benefited the San Joaquin Valley farmers almost two decades ago almost wiped out the salmon and the salmon fishing industry. Salmon populations bounced back after 2008 when new limits on delta water diversions were implemented, he said.

"We're hopeful that (the governor) appreciates the grave threat, not only to salmon, but the other native species in California if Secretary Bernhardt gets his way and diverts more water to his friends in the San

Joaquin, " McManus said.

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