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*director*

May 19, 2008

Hon. Tim Johnson, Chairman  
Subcommittee on Water and Power  
Senate Energy and Natural Resources Committee  
304 Dirksen Building  
U.S. Senate  
Washington, D.C. 20510

Hon. Grace Napolitano, Chairwoman  
Subcommittee on Water and Power  
House Committee on Natural Resources  
1324 Longworth Building  
US House of Representatives  
Washington, DC 20515

**Re: San Joaquin Valley Drainage Issues**

Dear Chairman Johnson and Chairwoman Napolitano:

The California Water Impact Network (C-WIN) has reviewed recent correspondence by the Westlands Water District in California's San Joaquin Valley whereby Westlands suggests a linkage between resolution of their 30 year old drainage problem, reauthorization of the San Luis Act of June 3, 1960 (P.L. 86-188), and solutions to other California environmental issues. C-WIN agrees that such issues are linked, but for different reasons than Westlands. C-WIN recommends Congress amend the San Luis Act of 1960 to retire drainage problem lands in the San Luis Unit of the Central Valley Project (CVP) and reallocate savings in water, power, and funding to restoration projects in the Central Valley, while simultaneously resolving one of the largest water quality problems in the San Joaquin Valley—the toxic agricultural drainage from the CVP.

Your congressional subcommittees are responsible for addressing these issues. C-WIN urges you to take a comprehensive approach to resolving the San Luis Unit drainage problems that plague water quality in the San Joaquin River, while also providing funding for restoration projects in the Delta and other Central Valley regions. Our approach would also provide substantial salmon fishery benefits to other CVP-controlled waterways in California, including the Bay-Delta estuary, and the Trinity, Sacramento, and American rivers, by returning water to the environment from retirement of drainage problem lands in the San Luis Unit of the CVP. At a time when Central Valley salmon fisheries have been shut down to commercial and sport fishing in 2008, and perhaps future years, this is the only hope to restore Central Valley fisheries in a cost effective manner. It is also common sense.

The California State Water Resources Control Board has identified irrigation of the west side of the San Joaquin Valley, including the Bureau of Reclamation's San Luis Unit, as the single largest cause of salinity violations in the San Joaquin River.<sup>1</sup> Dealing with the salinity and selenium problems created by the San Luis Unit concurrently with restoration of the San Francisco Bay-Delta Estuary makes a great deal of sense.

In trying to clean up its drainage problems, Westlands Water District makes dubious economic assumptions regarding their solution. A Record of Decision by the Bureau of Reclamation on the San Luis Drainage Plan Formulation Report selected an alternative which would **cost** California and federal taxpayers **over \$2 billion** dollars to implement over a 50 year period, even though another alternative retiring 300,000 acres of drainage impaired land would provide a 50 year economic **net benefit of \$182 million** to California and federal taxpayers over the same 50 year period.<sup>2</sup> The alternative now being championed by Westlands and its allies would **still cost taxpayers at least \$780 million**, not counting costs of mitigation and monitoring. Meanwhile, an alternative to retire the full 379,000 acres (as recommended by the U.S. Fish and Wildlife Service<sup>3</sup>), including the "northerly area," would provide even greater financial, water quality and water supply benefits compared to the earlier benefiting alternative.

The water supply benefits of retirement of 300,000 to 379,000 acres of drainage-impaired lands in the CVP service area of the Western San Joaquin Valley cannot be emphasized enough, **provided that the water is not left with Westlands to market at a profit to urban areas, but instead returned to the environment.** The amount of water associated with irrigation of those drainage problem lands is, at a minimum, 600,000 acre-feet of water.<sup>4</sup> This water should be used to maintain cold water carryover storage in Folsom, Shasta and Trinity reservoirs to protect the Tribal Trust salmon fishery resources of the Hoopa Valley and Yurok tribes in the Trinity River, as well as help to maintain and restore Central Valley salmon stocks, which have recently plummeted and resulted in a complete shutdown of fisheries. The cold water protection for those salmon fisheries is likely to disappear in the event of another dry year (and northern California has seen two straight dry winters already), with devastating

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<sup>1</sup> SWRCB D-1641 states on page 83 "**The source of much of the saline discharge to the San Joaquin River is from lands on the west side of the San Joaquin Valley which are irrigated with water provided from the Delta by the CVP, primarily through the Delta-Mendota Canal and the San Luis Unit.**" "**The SWRCB finds that the actions of the CVP are the principal cause of the salinity concentrations exceeding the objectives at Vernalis. The salinity problem at Vernalis is the result of saline discharges to the river, principally from irrigated agriculture, combined with low flows in the river from upstream water development.**"

<sup>2</sup> Appendix N, *San Luis Drainage Plan Formulation Report*, Final Environmental Impact Statement, National Economic Development Analysis of Alternative, Page N-17, Table N-10.

<sup>3</sup> US Fish and Wildlife Service, Fish and Wildlife Coordination Report on San Luis Drainage PFR EIS

<sup>4</sup> See Table 1 from comment letter by the Trinity County Board of Supervisors on *South Delta Improvement Project* Draft Environmental Impact Statement/Draft Environmental Impact Report, January 18, 2006.

consequences for Central Valley and Klamath-Trinity fisheries, including the tribal trust fishery resources of the Hoopa Valley and Yurok tribes. *Time is of the essence.*

If drainage-impaired lands of the San Luis Unit are retired soon there would be substantial financial savings to the federal government as well. For example, the Environmental Working Group <ewg.org> identified 2002 CVP water and power subsidies to Westlands Water District alone in excess of \$180 million/year.<sup>5</sup> Financial savings from not delivering water and money to implement the ill-conceived San Luis Drainage Settlement could then be used as PAYGO to implement much needed restoration efforts elsewhere in the Central Valley. Amending the San Luis Unit Act to annul San Luis Unit water contracts associated with drainage problem lands, would free up substantial water, power, and financial resources which should be used to help restore the Bay-Delta Estuary.

Floyd Dominy, former Commissioner of Reclamation from 1959 to 1969, presided over the original funding and contracting with the Westlands Water District. He later expressed the following regrets about Westlands regarding the drainage impaired lands in its jurisdiction:

*“We went ahead with the Westlands project before we solved the drainage problem. We thought we knew how to solve the drainage problem. We thought the Kesterson Reservoir could be flushed on out into the Delta. We didn’t have it solidified. So I made a terrible mistake by going ahead with Westlands at the time we did.”<sup>6</sup>*

In conclusion, C-WIN urges you to adopt a comprehensive approach retiring 379,000 acres of drainage impaired lands and reallocating saved water, power, *and* funding to substantially improve water quality to the San Joaquin River, southern Delta, and provide cold water benefits to fisheries of the Sacramento, Klamath-Trinity, and American river systems. Failure to do so will simply continue burdening other regions throughout California—including North Coast fishery-oriented communities—to support the ill-conceived transfer of financial and water supply benefits to Westlands, with still more devastating results for those depending upon rivers and salmon for their livelihood, culture, and recreation.

Sincerely,



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<sup>5</sup> See <http://www.ewg.org/reports/powersubsidies> which disclosed that Westlands’ CVP power subsidies from the federal government in 2002 were \$71 million. See <http://www.ewg.org/reports/westlands> which disclosed that Westlands’ water subsidies in 2002 were \$110 million.

<sup>6</sup> Quoted from *Cadillac Desert: Water and the Transformation of Nature*, Program 3, “The Mercy of Nature,” produced by KTEH-TV Foundation, 1997, for public television broadcast.

Hon. Tim Johnson and Hon. Grace Napolitano  
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Page 4 of 4

Carolee Krieger, President

cc: Senator Byron Dorgan, Chairman Indian Affairs Committee  
Senator Lisa Murkowski, Ranking Member Indian Affairs Committee  
Senator Dianne Feinstein  
Senator Barbara Boxer  
Representative Nick Rahall, Chairman Resources Committee  
Representative George Miller  
Representative Mike Thompson  
Hoopa Valley Tribal Council  
Yurok Tribal Council  
Interested Parties