

Bakersfield Californian

“Water cutoff demands new ideas”

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April 6, 2007

An Alameda County Superior Court judge has issued an earth-shaking decision that could shut down the State Water Project within 60 days. All water deliveries from the Sacramento-San Joaquin Delta will cease unless the Department of Water Resources can get a permit from the California Department of Fish and Game within that time.

Kern County receives much of its water from the Delta -- as do approximately 25 million Northern, Central and Southern California residents. If the proposed decision is finalized, the consequences for Kern County and the state will be disastrous.

KCWA is making every effort to ensure that this procedural snafu does not shutdown Kern County's water supply. We are seeking significant changes to the proposed decision and will request that the judgment not be enforced during appeal.

To further protect our farms, families and businesses, we are working with our members to prepare a contingency plan that ensures adequate water supplies if appeals are unsuccessful.

However, the real solution must come from DWR and DFG.

The issue is whether DWR has the proper "take" permit from DFG -- responsible for protecting fish species -- to operate SWP pumps. Pumping has the incidental effect of harming three fish species that are protected under the California Endangered Species Act.

Although DWR and water agencies throughout California vigorously dispute the proposed decision, the court found that DWR lacked the appropriate permits and needed to obtain them or shut down the pumps.

The court reviewed only written agreements between DWR and DFG and ignored many programs DWR has to protect fish species and mitigate the SWP's impact on them. DWR's efforts to protect these species are extensive, amounting to tens of millions of dollars and hundreds of thousands of acre-feet of water per year.

DFG did not participate in the case and the court emphasized that a case of this magnitude -- affecting up to \$400 billion of the state's economy -- should have included testimony from DFG. DWR and DFG must coordinate a response to the court's proposed decision and make it clear that DWR has the appropriate authorization from DFG under existing agreements.

The decision illustrates the conflict between using the Delta to convey water to the state's farms and cities and protecting the Delta ecosystem.

Growing consensus from scientists and state leaders is that the Delta is unsustainable and the water delivery system is failing. In addition to this ruling's effects, the Delta water supply and infrastructure system face other unprecedented risks, including earthquakes, major floods and global warming impacts.

The proposed decision is yet another example of why California must rethink how it moves water through the Delta to the San Joaquin Valley, the Bay Area and Southern California.

The Public Policy Institute of California recently identified alternatives for solving the Delta's problems. Constructing a new water conveyance facility around the Delta, rather than through it, is one of them. The court's decision illustrates that the need for such a facility is urgent and the time to act is now.

Fred Starrh is president of the Kern County Water Agency board of directors. Community Voices is an expanded commentary that may contain up to 500 words. The Californian