

Water Resource News

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Endangered Smelt Curtails Water Supply to California Delta

As a result of 2006 lawsuit filed by the Natural Resources Defense Council and environmental activists groups, farmers in the San Joaquin Valley are not producing agriculture products due to lack of water in Delta. Radical environmentalists demanded for the pumps to be shut off to protect a small minnow-smelt. Protectors of the Smelt claim the small minnow can be sucked into the pumps that distribute water to the Sacramento-San Joaquin Delta. This lawsuit has sparked a series of bad decisions that has resulted in awful consequences for agriculture producers and the general public.

In March 2006, The Center for Biological Diversity, Bay Institute, and Natural Resources Defense Council jointly petitioned to have the smelt declared an endangered species. After the Federal Government failed to respond within the 90 day window, the Council for Endangered Species Act Reliability (CESAR) - a nonprofit public interest group— filed suit on behalf of the smelt with the U.S. District Court for the Eastern District of California. CESAR declares that the current actions of the United States Fish and Wildlife Service have inadequately protected the species from vanishing.

On December 2008, U.S. District Judge Oliver Wanger ordered curtailing the pumping of water that supplies the Sacramento-San Joaquin River Delta. San Joaquin Valley water agencies challenged the ruling. As a result Wanger in May 2009 agreed the original restrictions on pumping needs to be revisited. The water agencies' compelling argument that people are being harmed by unreasonable concern over the welfare of a fish. Wanger instructed the federal authorities to calculate the effect that reduced water supply will have on Californians dependent on the delta for

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Kansas and Colorado end Arkansas River Case

TOPEKA, Kan. — Kansas and Colorado announced they've ended a long-running lawsuit over the Arkansas River.

The two states filed an agreement with the U.S. Supreme Court to resolve the final technical issues about monitoring Colorado's use of water from the river. The agreement is designed to prevent the river's depletion as it flows into southwest Kansas.

Disputes over the river date back more than a century, and Kansas sued Colorado in 1985, claiming Colorado was improperly diverting millions of gallons of water. The Supreme Court ruled a decade later that groundwater pumping took water rightfully belonging to Kansas, and Colorado paid its neighbor more than \$34 mil-

lion in damages.

The lawsuit continued because of other issues, including the monitoring of water use, and in March, the U.S. Supreme Court issued a decree spelling out how future disputes would be resolved. The agreement filed recently was the last step toward closing the case.

Kansas Attorney General Steve Six said the agreement should avoid litigation and save both states money. David Barfield, Kansas' chief water official, said the two states are working better together than in the past but acknowledged continued monitoring of Colorado's water use — and development in that state — make future conflict possible.

Source: U.S. Water News Online

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Water Resources Legislation Out of Balance in Washington, D.C.

A numerous of legislative and policy proposals being considered on the National level. Two clear objectives have surfaced:

1. Expanded Federal control over water resources
2. The primacy of environmental considerations at the expense of economic and human uses.

Here is a summary of proposals currently on the table:

Track Federal Legislation

<http://thomas.loc.gov>

Sustainable Watershed Planning Act has been drafted to create a White House water resources "czar", a new water resources council and over all Federally dominated regional watershed planning board. Economic well-being is not even recognized as an objective. Under the drafted act, all water resources decisions should be based on increasing water efficiency, improving water quality, and improving ecological health.

Clean Water Restoration Act (CWRA) is back on the table. Senator Russell Feingold (WI) reintroduced S.787, amending the CWRA. The proposed legis-

lation would delete the work "navigable" from Clean Water Act (CWA). The simple word change could have hefty repercussion for agriculture. Senate Bill 787 expands federal authority beyond waterways. Language changes to the CWA gives federal agencies an open license to rewrite rules. S. 787 remains in committee.

The American Clean Energy And Security Act of 2009, H.R. 2454 requires Federal agencies to develop and implement climate adaptation plans. The goal of the drafted bill is "to use all practicable means and measures to protect, restore, and conserve natural resources..." The proposed legislation would require agencies like the U.S. EPA and U.S. Army Corps of Engineer to consider the impacts of climate change on natural resources in every decision made by the agencies. H.R. 2454 passed the U.S. House on June 26, 2009.

The National Transportation Act of 2009, H.R. 2355, would establish a "National Goods Movement Improvement fund" to provide funding for infrastructures projects, designed to improve the movement of goods, mitigate environmental damage caused by the movement of goods, and enhance the security of transported goods. The proposed legislation would redirect the use of, and more than triple the harbor maintenance tax to fund projects near the ports of facilities. This could cause an adverse reaction form the World Trade Organization. H.R. 2355 has been referred to the Subcommittee on Water Resources and Environment.

FEMA map modernization, Levee inspections, and certifications: The U.S. Army Corps of Engineers has begun enforcing its 1995 criteria for periodic inspections of levees., resulting in decertification of may miles of levees. In addition, FEMA is going ahead with its map

modernization program which is producing new digital flood insurance rate maps.

Lock Usage Fees: President Obama's administration has sent a legislative proposal to the Congress recommending that a lock usage fee be enacted to replace the current fuel tax an correct funding shortfalls in the Inland Waterway Trust Fund. The proposed legislation would institute lock use fees; replace, over time, the fuel tax; permit the Secretary of the Corps to make periodic adjustments to the lock usage fee amounts; and expand lock fees to current non-taxed waterways.

FEMA issued a unilateral policy in February stating it would withhold financial support for expenses incurred by levee and drainage districts in fighting and recovering from future catastrophic flooding. The new policy -- implemented without public input -- eliminates reimbursement for flood fighting, dewatering, debris removal and other emergency work incurred by levee and drainage districts in the course of defending residents and their property during flood events. It specifically affects federal levees managed by the US Army Corps of Engineers. Despite promises that the policy would be revised, it remains in effect
Source: National Waterways Conference
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House approves funds for Illinois, Mississippi River Projects for fiscal year 2010, Energy and Water Development Act. Lawmakers voted 308-114 to provide \$33.5 billion for programs including renewable energy research, U.S. Army Corps of Engineers water projects, nuclear weapons safety and security, and environmental cleanup.

The proposed legislation contains funding for the Upper Mississippi River Restoration Program, money to design the modernization of the locks on the rivers, and the Upper Mississippi River Comprehensive Plan.
Source: Illinois FarmWeek

Biofuels Unravel Efforts to Shrink Gulf Dead Zone

By Steve Baragona, Voanews.com
Washington, DC— Every growing season, excess nitrogen fertilizer running off croplands in the American Midwest washes into the Mississippi River, and from there, into the Gulf of Mexico. It triggers a biological chain reaction that strips the water of oxygen, killing fish, shrimp, crabs, and other sea life. The dead zone in the Gulf each year grows to about 15,000 square kilometers. The Environmental Protection Agency (EPA) wants to shrink it by two-thirds over the next six years.

But the U.S. Congress might have made that goal harder to achieve. In a bid to reduce dependence on foreign oil, Congress passed a law requiring refiners to include more and more biofuels in their gasoline each year, reaching 140 billion liters by 2022. Mike Griffin, a biologist at Carnegie Mellon University, says if farmers grew enough corn and other biofuel crops to meet that target, "Nitrogen loading would actually increase, and we would certainly not be able to meet the goals of the EPA."

Griffin says that Congress's

goal of increasing energy independence is obviously at cross purposes with the EPA's goal of shrinking the Gulf of Mexico dead zone, a condition scientists call hypoxia.

"We certainly need to get the people that are doing the hypoxia mitigation strategies and the biofuels strategies together, so that if we are going to go down the road of increasing biofuels that we take these indirect effects of that production into account," he says.

But Griffin says the problem is not just biofuels. He and his colleagues also considered how much nitrogen fertilizer will be used to raise crops to meet growing food demands.

"If we did no biofuels, and we just allowed for food production to increase," he says, "you still can't meet the hypoxia goals in the Gulf of Mexico. You still need to take mitigation actions even if we didn't produce biofuels."

Griffin says planting buffer zones between crops and rivers or streams is one way to mitigate the fertilizer runoff problem. But his study shows buffer zones alone

won't be enough to reach EPA's goal of reducing the dead zone by two-thirds. Other strategies will be needed.

That's partly because agricultural runoff is not the only source of nitrogen pollution. Wastewater, industry and transportation all contribute too and Griffin says steps will need to be taken to reduce their effects as well.

The study was published in the journal *Environmental Science and Technology*.

*Biofuel law is
at odds
with EPA goal*

Solar Projects will Intensify the Battle Over Water

The Pacific Gas and Electric announced that it would buy 500 megawatts of electricity from two solar power plant projects, Genesis Solar Energy and Mojave Solar Project, to be built in the California desert.

According to applications filed with the California Energy Commission, the Genesis Solar Energy Project would consume an estimated 536 million gallons of water and the



Mojave Solar Project would pump 705 million gallons annually for power-plant cooling.

The battle over water in California will continue with 35 solar projects undergoing licensing and planning.

Source: *New York Times*

Smelt continued

residential, industrial, and agricultural water.

On March 2009, the California Fish and Game Commission, after a series of petitions, court rulings, and studies, determined the smelt should be listed as a threatened species. The California Endangered Species Act (CESA) prohibits the taking of any species that the Commission determines to be a candidate, endangered, or threatened species.

Unfortunately during

San-Joaquin Valley normally grows about half of the U.S. fruits, nuts, and vegetables. Consequently, the U.S. Consumer will be forced to rely on produce imported from overseas.

this struggle over the pumps, California farmers have been suffering from lack of rain fall and battle over who gets the water. Currently acres of farmland are left idle in order to provide water in the Los Angeles basin.

Agriculture is not the only industry being hit hard by the court decision. Commercial salmon fishing closed for the second year in California and most of Oregon.

In October, the California's Water Crisis received the attention of the Obama's administration. The office of the Interior and Commerce Departments asked the National Academy of Sciences to conduct an analysis of factors affecting the Sacramento-San Joaquin Delta. As a result the Academy is expected to release a report outlining alternatives beyond shutting down the water transfer pumps.

At a hearing in Washington D.C., California Farm Bureau Federation President Doug Mosebar told Interior officials that agriculture producers support the request for the National Academy of Science Review.

In written remarks submitted to the federal agencies, Mosebar

stressed, "Without reliable water supplies, we risk eroding our ability to grow food for our nation and the world. Farm water shortages in California have thus far resulted in \$1.5 billion to \$2.2 billion in lost revenue; half a million fertile acres lie idle; 40,000 jobs have been lost; and we are seeing unemployment rates of 40 percent or higher in some rural communities."

The U.S. House of Representatives in October approved a conference report for the Fiscal Year 2010 Energy and Water Appropriation Bill. The bill proposed, by Rep. Dennis Cardoza and Rep. Jim Costa, included two measures to increase the availability of water for the Delta.

The first provision will make it easier for water to be transferred from one county to another. Currently the U.S. Bureau of Reclamation restricts such transfers. The second provision provides \$10 million in increased funding for the California Bay-Delta Restoration Program.

Some California lawmakers argue the residents of the Sacramento-San Joaquin Delta cannot wait for another study. Action needs to be taken now. *Sources: California Farm Bureau, The Sacramento Bee, California Fish and Game Commission*

**The Scoop on the Longfin Smelt**

The longfin smelt, *Spirinchus thaleichthys*, is an anadromous smelt (family Osmeridae) found in California's bay, estuary, and near shore coastal environments from San Francisco Bay north to Lake Earl, near the Oregon border.

The Smelt have a short lifespan. Most reach maturity at two years of age, and can grow from 124mm to 140mm in length.

Spawning occurs primarily from January to March, after which most adults die.

Longfin smelt encounter a wide variety of water temperatures and salinities (freshwater to saltwater) during their life cycle but are rarely found in water temperatures greater than 22 degrees C. They are mostly found in mid-water or near the bottom and are known to migrate up and down in the water column

following prey at night.

Smelts reassemble salmon in appearance and serve as a feeding source for both salmon and trout. They live in the sea but travel to freshwater to breed.

Judge Rules on Tri-State Water War

For over two decades Georgia, Alabama, and Florida have been battling over water.

On July 17, U.S. District Judge Paul Magnuson ruled that Congress never intended for Lake Lanier to be used for drinking water purposes. According to the ruling, the Georgia region (near Atlanta) has three years to resolve water conflicts between Alabama and Florida. Judge Magnuson also ruled that Atlanta's water withdrawal must revert back to 1970's levels.

Like other metro areas in the United States, Atlanta's population has exploded. Statistics show that in 1970s Gwinnett County withdrawal 13 million gallons a day from the Chattahoochee River in the mid 70's and today the same geographic area averages 88 million gallons a day in withdrawals.

The Georgia General Assembly created the Southern Fulton Municipal Regional Water and Sewer Authority to ensure future water supply for Fulton County. Construction new reservoirs is the key component to an

overall strategy to address adequate water supplies.

In October, Georgia's congressional delegation has called for a water meeting with fellow congressmen from Alabama and Florida. This will be the first step in discussing a resolution to the tri-state water dispute.



Gulf of Mexico Dead Zone Surprisingly Small in Area, but Severe

Scientists from the Louisiana Universities Marine Consortium (LUMCON) and Louisiana State University (LSU) found the size of this year's Gulf of Mexico dead zone to be 8,000 square kilometers (just over 3,000 square miles). "This was surprisingly small given the forecast to be among the largest ever and the expanse of the dead zone earlier this summer," reported Dr. Nancy Rabalais, Chief Scientist for the mapping expedition.

The dead zone is an area of oxygen-starved water, also known as hypoxia, and is fueled by nitrogen and phosphorus runoff, principally from agricultural activity in the Mississippi River watershed, which stimulates an overgrowth of algae that sinks, decomposes, and consumes most of the life-giving oxygen supply in the water.

NOAA-sponsored forecast models developed by Dr. R. Eugene Turner of Louisiana State University and Dr. Donald Scavia of the University of Michigan had predicted a larger than normal dead zone area of between 22,000 and 25,000 square kilo-

meters (7,500 – 8,500 square miles) for this summer. The forecast was driven primarily by the high nitrate-nitrogen load and high freshwater flows from the Mississippi and Atchafalaya rivers in May and June.

What contributed to the smaller than predicted and average size of the dead zone this summer?

First, the high flow of the Mississippi River fell below average for July depriving the Gulf of Mexico of the nutrients that stimulate phytoplankton growth and the fresh water that forms a physical barrier (stratification) to the re-oxygenation of the bottom layer.

Second, the timing of the single cruise in late July does not always capture the maximum extent, e.g., following hurricanes or variable weather conditions, thus pointing out the need for multiple measurements during the summer.

Third, persistent winds from the west and southwest in the few weeks preceding the mapping cruise likely pushed the low oxygen water mass to the east and 'piled' it up along the southeastern Louisiana shelf. .

Fourth, the winds and waves were high in the last half of the cruise in the area to the west of the Atchafalaya River delta and likely mixed oxygen into these shallower waters and reduced the hypoxia in that region.

Fifth, although current models used to predict hypoxia in the northern Gulf of Mexico are robust for long-term management purposes, they are not optimized to predict the area for years where short-term weather patterns move water masses or mix up the water column. Field measurements, thus, remain imperative for understanding the dynamics of hypoxia and contributing to modeling studies.

Source: NOAA, Dr. Nancy Rablais

NOAA Gulf of Mexico
Hypoxia Watch

[http://
ecowatch.ncddc.noaa.
gov/hypoxia](http://ecowatch.ncddc.noaa.gov/hypoxia)

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The Newsletter was created by AAW Water Resource Management Chair, Cheryl Day, to better inform AAW members on water issues. The articles in the newsletter is based from media outlets and information submitted to Cheryl Day. All AAW members are invited to submit information on water issues to Cheryl. If your Affiliate has a Water Resource Chair or a member who follows water issues please have them contact Cheryl Day. In order to best serve AAW, it is important to establish a network across the membership.

If you have any questions about the information appearing in this newsletter or on AAW Water Policies in general please feel free to contact Cheryl Day.

We're on the web!

www.americanagriwomen.org

Nevada Water Report

submitted by Jacquie Compston, Natural Resource Coordinator



The University of Nevada in Reno has taken on the Walker River Basin Project and is currently purchasing water rights in our basin. They in turn are turning it over to the National Fish and Wildlife Foundation. This group works the Department of Interior to make it all look valid.

The whole project has been moving forward intensely for the past eight years. It is very difficult for our irrigation district to dispute this science as you can see in the program for the symposium. The \$200 million dollars for the project was originally taken from the 2002 Farm Bill. We were able to insert wording to exclude the purchase and leasing of water rights, but Senator Reid was able to change the law when he added it to the Energy Bill.

I have spoken to several mem-

bers of the Department of the Interior and they are aware of our comments through the Environmental Impact Statement process. It is amazing to me to see how they can steal our water legally. Our system is interrelated and if they purchase one third of the water, then the other two thirds will collapse.

This has been an extremely complex process and I don't know what will happen. The state engineer has written a letter to the editor of our newspaper explaining the state's position on the purchase of water rights and then that has to go to the Federal Judge. That is a very simple explanation of our water problems.