



County of Fresno

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August 7, 2013

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

RE: Water Crisis Facing Fresno County

Dear Senator Feinstein:

The Fresno County Board of Supervisors is very concerned that the County is facing a repeat of the disaster suffered in 2009 resulting from a 10% allocation to Central Valley Project ("CVP") water service contractors that serve water to farmers in western Fresno County. As a result of reduced water supplies in 2009 more than 300,000 acres of land in Fresno County were fallowed, tens-of-thousands of farm workers lost their jobs, disadvantaged communities experienced unemployment rates in excess of 40%, the poor were forced to stand for hours in food lines, the Fresno County Sheriff reported an increase in crime, including domestic violence, and there was an increase in mental health problems. This situation cannot be allowed to repeat itself.

Congressman Jim Costa has introduced H.R. 1927, the More Water and Security for Californians Act. If enacted, as currently written this legislation would:

- Provide congressional direction concerning application of the Endangered Species Act to the CVP and the State Water Project ("SWP");
- Restore operational flexibility to California's two major water projects; and
- Provide reasonable protection to threatened species.

We hope that you will introduce similar legislation.

Westlands Water District has projected that if California has average precipitation in October, November, December, and January, the initial allocation for CVP water service contractors next year will be zero, and if the remainder of the winter and spring is dry or average, the final allocation will be from zero to 10%. We understand that the Bureau of Reclamation has confirmed this analysis. This projection is already affecting western Fresno County's agricultural industry. Farmers, who are currently planning next year's farming operations, are deciding to not plant row crops, such as fall lettuce, tomatoes, and garlic. Additionally, many farmers are struggling to find financing for their operations

because lenders are reluctant to make loans in the light of inadequate water supplies. These decisions will undoubtedly affect the most vulnerable residents of western Fresno County in ways that are identical to impacts in 2009.

This disaster is avoidable. If in 2014 the CVP is allowed to operate as it did in 2010 and 2012, which were average water years, farmers could reasonably expect to get a 40% - 45% allocation if we have an average water year. The legislation Mr. Costa has introduced would allow this to happen by prescribing operational rules that are nearly identical to operations that occurred in 2010 and 2012. Moreover, if enacted, as currently written this legislation would enable the Bureau to forecast operations that would allow it to make a higher allocation earlier in the year because it would not face the unknown of how the biological opinions will apply to operations of the CVP Delta pumping plant. For example, under the existing biological opinion for Delta smelt, management of reverse flow in Old and Middle Rivers can range from -1250 cubic feet per second to -5000 cubic feet per second during the period from December through the end of June. With this uncertainty, the Bureau has to wait until the end of May or June to make the higher allocations which is too late for planting.

It must also be noted that the operations of the CVP that occurred in 2010 and 2012 did not place the threatened or endangered fish at any risk. In fact, those operations were consistent with the existing biological opinions, and Mr. Costa's legislation would direct that the CVP and the SWP to be operated in way that has provided adequate protection for fish. The only exception is that the inflow/export ratio imposed by the Salmon biological opinion in April and May would not apply. However, when the National Academy of Sciences reviewed this fishery action in response to your request that the Academy review the efficacy of the biological opinions, the Academy raised significant questions about the need for this action. Specifically, the Academy described the influence of rates of export on salmonid survival rates as "weak."

We are aware of all that you have done over the course of the last two decades to ensure that farmers on the westside of the San Joaquin Valley would have enough water to farm and to put people to work. We know, for example, that the Delta-Mendota Canal, California Aqueduct Intertie was constructed and is being operated under legislation that you introduced, that achieving a 45% allocation in 2010 was a result of your intervention with the Department of the Interior, and that legislation you authored has facilitated numerous water transfers to westside farmers. Your leadership on this issue has helped sustain irrigated agriculture in western Fresno County and other parts of the San Joaquin Valley. But we fear that those actions have not been enough. Without immediate, further action, the people who live and work in western Fresno County will experience needless suffering of the type experienced in 2009.

We also are aware that introducing legislation that provides congressional direction concerning application of the Endangered Species Act to the CVP and the SWP will be vigorously opposed by environmental organizations as an attack on the Act itself. But we are prepared to support you if you determine that taking on this "heavy lift" is required to avoid that needless human suffering.

THE HONORABLE DIANNE FEINSTEIN

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We absolutely need legislation that will restore some sanity to achieving a reasonable balance between meeting the needs of the environment and the needs of our people. Worth noting is that we support this effort and others, that have or maybe introduced. We look forward to working with you and encourage you to work with our entire Valley delegation to bring resolution on this vitally important issue.

Sincerely,



Henry Perea, Chairman
Supervisor, District 3

Sincerely,



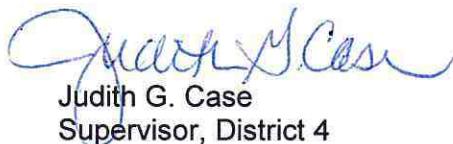
Andreas Borgeas, Vice-Chairman
Supervisor, District 2

Sincerely,



Phil Larson, Supervisor
Supervisor, District 1

Sincerely,



Judith G. Case
Supervisor, District 4

Sincerely,



Deborah A. Poochigian
Supervisor, District 5

cc: Federal Delegation
Charlotte Hrcir, Federal Legislative Advocate