

The Bren School of Environmental Science and Management

MESM Group Project Proposal

Developing Strategies for Collaborative Restoration of the San Joaquin River While
Mitigating Water Supply Impacts to the Current Water Users

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Problem Statement

On September 13, 2006 a “Settlement Agreement” was announced between a coalition of environmental and fishing groups, including the Natural Resources Defense Council, the federal government, including the Bureau of Reclamation and the Friant Water Users Authority (FWUA), a joint-powers authority consisting of twenty two water districts. The Friant Division of the Central Valley Project delivers water to approximately 15,000 irrigators on one million acres of the most productive farmland in the nation, and several cities including the cities of Fresno, Orange Cove and Lindsay. The Settlement Agreement will result in additional water releases from Friant Dam to re-water some 60 miles of the San Joaquin River, which in most years has been dry since the 1940s. The Settlement Agreement will allow aquatic and riparian habitat to be restored and Chinook salmon runs to be re-introduced. The Settlement Agreement also provides for a water management goal to mitigate water supply impacts to Friant water contractors. The Settlement Agreement came after *18 years* of litigation between the parties.

Throughout California and the west, demand for environmental and recreational use of water is increasing. There may be many more collaborative efforts to resolve conflicts between competing uses of limited water supplies. The question is—is this Settlement Agreement the correct prototype for future efforts or are there other options? This group project will research the Settlement Agreement to determine what worked, what did not, and what alternative

approaches might be considered and how they would be implemented for collaborative future water re-allocation efforts. The group also will examine the restoration goal and water supply goal of the Settlement Agreement to see how those goals will work and what it will cost. The group will work closely with the FWUA and other stakeholders in this research.

Objectives

To examine the Settlement Agreement to determine how it came about, the positions of the various stakeholders, and the processes of negotiation.

To assess whether an alternative, collaborative approach might have been achieved at lower cost and more quickly with less conflict.

To evaluate the restoration and water management implementation plans to determine if they are likely to succeed and at what cost.

To draft a template that outlines key points for successful future water re-allocation efforts.

Significance

Recreational and environmental demand for water is growing. Since there are limited opportunities to generate supplies of new water, and with climate change potentially leading to declines in water supplies, there will be increased pressure to re-allocate water from historical agricultural uses. Devising smooth, low-cost, and collaborative approaches may facilitate any such re-allocations. The Settlement Agreement is an important current example of water re-allocation. By researching it and its restoration and water management plans, it may be possible to draw conclusions about the design of future water re-allocation efforts. Prototypes for such arrangements can be outlined.

Background

On September 13, 2006, the settlement of an *18-year old* suit was announced by a coalition of environmental and fishing groups, including the Natural Resources Defense Council, the U.S. Interior Department, and the Friant Water Users Authority, an organization representing 15,000 family farms. Under the plan, water previously used for agriculture and municipal purposes would be released from Friant Dam northeast of Fresno to re- re-water some 153 miles of the San Joaquin River, 60 miles of which had been dry in many years since the Friant Dam was built in the 1940s. Water supply impacts of river releases will affect about 15,000 small farmers and a number of cities. Water supply impacts from the additional river flows are expected to vary from 8 to 20 percent in the absence of any water management efforts. The water management goals of the Settlement will be implemented in an attempt to reduce or avoid those losses.

When the dam was completed the water was diverted to provide irrigation in the Central Valley for some of the nation's most productive agricultural regions, covering one million acres. Further, many small towns and cities along the southern San Joaquin Valley's East Side receive all or a major portion of their water supplies from Millerton Lake behind Friant Dam. Under the agreement, in 2009 and 2010 water would be released to the river for experimental and data collection efforts. The major river restoration efforts and full restoration flows are anticipated by 2013 with salmon introduced at that time. Riparian and aquatic restoration is targeted to be completed by 2016. The agreement runs through 2026 but may be extended indefinitely. Besides release of the water, the agreement calls for the development and implementation of water

management programs including plans for recirculation, recapture, reuse, exchange, transfer and banking of water underground in order to reduce or eliminate adverse impacts from the water's release.

The 18-years of litigation clouded the future use of the water by the member districts of the Friant Water Users Authority. The NRDC initiated the case in 1988 following the Mono Lake ruling in 1983 that required that Los Angeles halt diversion of water from the tributaries to Mono Lake. After years of conflict over the water, Federal District Judge Karlton ruled in November 2004 that the Bureau of Reclamation, which operates the dam, had not complied with state law (California Fish and Game code §5937 and the requirements of NEPA), by not leaving enough water in the river to sustain the historic salmon run. Even then, two more years passed before the final agreement was reached. The threat of further litigation and the uncertainty regarding the “remedy” phase of the litigation for the Fish and Game Code §5937 violation brought final agreement.

Approach

Students will do background research on the history of the effort to re-allocate water, the legal issues involved, the court cases, the studies by experts, the issues that separated the parties.

Students will interview key stake holders and parties to the process to gain their insights and views on the process.

Students will summarize the events leading to the agreement, the provisions of the agreement, the requirements outlined for restoration and water supply augmentation. Students will evaluate the process and agreement.

Students will outline a hypothetical alternative.

Students will draft a template of key points to address in future water re-allocation efforts.

Students will evaluate habitat restoration efforts for their costs and benefits.

Students will evaluate alternative water source plans for their costs, benefits, and likely success.

Stakeholders

Ron Jacobsma, Consulting General Manager, Friant Water Users Authority, which represents 22 water districts spanning five California counties. 559-562-6305.

Randy McFarland, Friant Water Users Authority, 559-260-2775

Bill Luce, Consulting Resources Manager, Friant Water Users Authority, 559-325-2475 (office) or 559-802-0091 (cell).

Michael Jackson, Area Manager, Bureau of Reclamation, Mid-Pacific Region, 559-487-5116, 559-260-8714.

Mark Limbaugh, Assistant Secretary for Water and Science, Department of the Interior.

Senator Dianne Feinstein

Representative George P. Radanovich, House Water and Power Subcommittee Chair

Federal District Judge in Sacramento Lawrence K. Karlton

Kirk Rodgers, Regional Director, Mid-Pacific Region, Bureau of Reclamation.

Hal Candee and Kate Poole, senior lawyers for the Natural Resources Defense Council, San Francisco.

Craig Noble, NRDC, 415-875-6100, 415-601-8235.

Lester Snow, Director, California Department of Water Resources

Deliverables

Summary analysis and report of the Settlement Agreement.

Prototype to guide future considerations of water re-allocation from agriculture to environmental and recreational uses.

Evaluation of the costs and benefits of the restoration plan.

Evaluation of the costs, benefits, and likely effectiveness of alternative water sources to replace released water.

References

Settlement Agreement

California Fish and Game Code §5937

Friant Water Users Authority Webpage

Natural Resources Defense Council

Office of Senator Diane Feinstein

Office of Congressman George Radanovich

Bureau of Reclamation Mid-Pacific Region