

Federal Plan Advances to Address Salinity Drainage Issues

By Jacqueline L. McDonald

On Friday, March 9, the United States Bureau of Reclamation (Reclamation) released the San Luis Drainage Feature Re-Evaluation Record of Decision, which was prepared to resolve a lawsuit by identifying a strategy for meeting federal planning criteria and provide agricultural drainage service to the San Luis Unit of the Central Valley Project. After analyzing various alternatives, Reclamation identified a drainage plan to provide relief for 379,000 acres of salt-impaired lands in the western San Joaquin Valley (the Plan). Parties to the lawsuit continue to discuss an alternative proposal.

Background

The subject drainage area comprises lands within the San Luis Unit, which encompasses the southern portion of the San Luis Water District and all of the lands within Westlands, Broadview, Panoche and Pacheco Water Districts. Drainage issues are entrenched in the history of the west side. Selenium occurring naturally and, in the right amounts, is necessary for good health. Selenium is so prevalent in agricultural lands on the west side of the San Joaquin Valley, however, that it must be flushed to keep some of California's most productive agricultural lands in use. The flushed salts, including selenium, cannot percolate through the clay layer beneath the top soil. As a result, contamination occurs on tens of thousands of acres where the salts collect.

Reclamation initially contemplated requisite drainage service when it first considered supplying water to the San Luis Unit. In fact, when Congress authorized construction of the San Luis Unit in 1960, it called for the construction of an interceptor drain discharging to the Sacramento-San Joaquin Delta (San

Luis Drain). By 1975, an 82-mile segment of the proposed San Luis Drain, which ended at the Kesterson Reservoir, had been completed. In 1983, it was discovered that high selenium levels in the drainwater affected aquatic birds at the Kesterson Wildlife Refuge. Consequently, in 1985, following a Nuisance and Abatement Order issued by the State Water Resources Control Board, discharges to Kesterson Reservoir were halted and the San Luis Drain was plugged.

Thereafter, the Secretary of the United States Department of the Interior and the Governor of California formed the San Joaquin Valley Drainage Program to address the salinity issues. Litigation ensued and, in 1986, a federal court order directed Reclamation to develop, adopt, and submit to Westlands a plan for drainage service facilities. In response, Reclamation prepared and released the San Luis Unit Drainage Program Plan Formulation Report and a related environmental document in December 1991. Several landowners subsequently sued Reclamation seeking completion of the San Luis Drain to the Sacramento-San Joaquin Delta. As a result, Reclamation is now under a federal court order to provide a drainage system. In 2000, the Ninth Circuit Court of Appeals upheld the District Court finding that Reclamation has a statutory duty to provide drainage service to the Unit. The District Court ordered Reclamation to expeditiously provide drainage to the San Luis Unit pursuant to its statutory duty.

The Plan

On March 9, 2007, Reclamation released the San Luis Drainage Feature Re-Evaluation Record of Decision, which was filed in U.S.

District Court. The Plan reflects Reclamation's balance the pressure for fallowing salt-impaired agricultural lands with the need to keep agricultural land in production to avoid job and economic losses in the agricultural San Joaquin Valley. Under the Plan, approximately 150,000 acres of San Joaquin Valley farmland would be taken out of irrigated crop production to address the drainage issues on the west side. This acreage would be in addition to the nearly 44,000 acres of lands retired within Westlands Water District within recent years. Along with the farmland fallowing, the Plan also calls for the construction of a system to collect, treat and reuse the runoff. More than 2,000 acres of evaporation ponds would be built to treat water drained from irrigation lands. The Plan also calls for 12,500 acres of reuse areas where the drain water would be reduced through application to crops. To avoid another Kesterson situation, the Plan suggests that the evaporation ponds and reuse areas can be built to discourage birds. Reclamation estimates that implementation of the Plan would cost \$ 2.4 billion. The cost of the Plan would initially be borne by the United States, but under Reclamation law, growers would repay the federal government over a period of decades.

The Alternative Proposal

The Plan comes nearly a month after the Associated Press revealed potential discussions about turning control of the San Luis Unit, including the responsibility for addressing the salinity issues, over to ten water districts (coordinated as a Joint Powers Authority) within the San Luis Unit. Despite the Plan, Reclamation and the west side water districts will continue to discuss such options.



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Under the alternative proposal, the joint powers authority would own the San Luis Unit, but Reclamation would retain authority over how much water is conveyed through the system. According to the information reported in February, under the alternative proposal, the government would redirect almost \$500 million of outstanding Reclamation payments that the water users owe for construction of reservoirs, canals and other irrigation facilities comprising the San Luis Unit to fixing the drainage issues. The alternative would also require that the water users to give up about 100,000 acre-feet of irrigation water annually.

The alternative proposal proposes an in-valley drainage solution that would dispose of the water by a variety of means, including reusing it to irrigate crops and sprinkling it on gravel-topped beds for evaporation. Unlike the federal Plan, the alternative would not include evaporation ponds, which environmental groups by asserting that such ponds attract birds. Any such proposal could not take effect without extensive environmental review and congressional approval.

Implications

Due to the expense of the Plan, Congressional approval will be required before the Plan may proceed. From all accounts, it seems that the parties will remain in discussions about the pros and cons of the Plan versus other alternatives. The west side water users continue to promote the proposal to turn over control, and the responsibility for addressing the salinity issues, to the joint powers authority. The Congressional proceedings could very well result in an entirely new proposal. For more information, see www.usbr.gov