



CALIFORNIA'S DROUGHT

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In order to better understand California's water shortage, this month's bulletin examines California's drought. Some of the causes of the drought are natural, yet other causes are man-made. Additional water storage reservoirs and conveyance infrastructure would help alleviate the natural drought. Additional political actions would help alleviate the man-made drought.

On January 17th, Governor Jerry Brown proclaimed a State of Emergency in California due to the drought. Seventeen communities in the state may run out of water within two months.

Based on state and federal water allocations, more than 500,000 acres out of roughly 6 million acres of cropland will be idled this year, which would rank as the most farmland ever fallowed in California due to a drought. The production loss could cause billions of dollars in economic damage, said Mike Wade, executive director of the California Farm Water Coalition. The Coalition estimates that 15,000 seasonal and full-time farm jobs are currently at risk. California grows nearly half of all U.S. fruits and vegetables. (CNBC, February 21, 2014, "UPDATE 2-Federal water allocation to California farms hits record low").

Governor Brown signed legislation to provide \$687 million in drought relief for drought-stricken communities running low on drinking water and for farming communities where fallowed fields are leading to high unemployment. The bill allocates \$589 million for water conservation projects, and allocates \$61.3 million for drinking water for communities and for housing and food for out-of-work farmers struggling to pay mortgages and grocery bills (Office of Governor Edmund G. Brown Jr., *Press Release*, Jan. 17, 2014, "Governor Brown Declares Drought State of Emergency"; *San Jose Mercury News*, January 28, 2014 "California drought: 17 communities could run out of water within 60 to 120 days, state says"; and *The Sacramento Bee*, Mar. 1, 2014, "CA governor signs off on \$687 million drought plan").

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California's Natural Drought

California is experiencing an extraordinary, historic drought. In 2013, less rain fell in California than in any year since 1850 (*San Jose Mercury News*, January 28, 2014, "California drought: 17 communities could run out of water within 60 to 120 days, state says").

California's Man-made Drought

California's man-made drought is due to federal restrictions on water brought about by actions of eco-activist groups. Eco-activist groups' special interests are explained by Wildlands Project founder Reed Noss stating, "...the native ecosystem and the collective needs of non-human species must take precedence over the needs and desires of humans..." "Environmental extremists are anti-human...And they are just plain anti-civilization," writes Patrick Moore, founder of Greenpeace. Modern environmentalism is not about scientific evidence or protecting the actual environment. Progressive eco-activists are protecting a belief system – a quasi-religion, which is about stopping the growth of humanity and anything that fosters growth (Reed Noss, "The Wildlands Project Land Conservation Strategy," *The GreenDisk Paperless Environmental Journal*, Vol. 1, No. 5, February - March 1993 and M. David Stirling, *Green Gone Wild*).

The greens' goal is to dismantle our industrial society, writes columnist Kimberley A. Strassel. "Frankly, we may get to the point where the only way of saving the world will be for industrial civilization to collapse," said Maurice F. Strong, former Secretary-General of the United Nations Conference on Environment and Development. "A massive campaign must be launched to restore a high-quality environment in North America and to de-develop the United States," wrote White House Office of Science and Technology Director John P. Holdren along with Paul and Anne H. Ehrlich in their 1973 book *Human Ecology: Problems and Solutions* (*The Wall Street Journal*, April 16, 2010, "The Greens' Ground Zero" and *National Review*, September 1, 1997, "Who Is Maurice Strong").

"What the greens want to do is make it impossible for the state to grow," said Joel Kotkin, Distinguished Presidential Fellow at Chapman University. Eco-activists are using water allocations to allegedly save endangered fish species in order to eliminate the water needed for growth. Water allocations for endangered fish are a means to an end: the goal is stopping growth. Eco-activists seek to get farmers – and people as a whole – off the land to return the land to its natural state. Private property rights are being reduced, and even eliminated, in the name of environmental protection (*The Press-Enterprise*, March 21, 2009, "Crisis On Tap: California's water reckoning").

The federal Endangered Species Act is enforced "whatever the cost," without balance, favoring fish over people, and causing human suffering. Activists show no restraint, and are just beginning their efforts at cutting back human water use, including water that is the lifeblood of farmers' operations. Activists already have established the federal legislative basis to use climate change as a means to further restrict water deliveries.

Environmental Water

The Central Valley Project Authorizations Act of 1937 mandates that federal Central Valley Project dams and reservoirs shall be used, first, for river regulation, improvement of navigation, and flood control; second, for irrigation and domestic uses; and, third, for power. The Act was amended by the Central Valley Project Improvement Act of 1992 (section 3406[a][2]) to make “fish and wildlife enhancement” coequal to agricultural and domestic water uses. Similarly, California Senate Bill X7 1 made “protecting, restoring, and enhancing the Delta ecosystem” coequal to “providing a more reliable water supply for California.”

The Delta flow criteria issued by the State Water Board on August 3, 2010 and the Bay Delta Conservation Plan planning process by the California Department of Water Resources reflects priority being given to the Delta ecosystem.

The outcome of years of legislation and settlement agreements is that the environment is now the largest consumer of water in the state. In California, the distribution of dedicated water supply (including reuse) to water uses is: Urban uses (11%); Agricultural uses (41%); and Environmental water (48%) – including instream flows, wild and scenic flows, required Delta outflow, and managed wetlands water use, in normal water supply years, according to the *2005 California Water Plan* by the California Department of Water Resources (California Farm Water Coalition, November 13, 2008 “Water Supply Availability”).

Presently, only 27 percent of the water flowing through the Delta is diverted to water users to the south, and 65 to 75 percent runs into the ocean. (Legislative Analyst’s Office, *California’s Water: An LAO Primer*, October 2008).

Environmental water is the source of the manmade drought. “The greatest tyrannies are always perpetrated in the name of the noblest causes,” stated Thomas Paine.

The Klamath Basin is a Forerunner for California

The Klamath Basin on the border of California and Oregon appears to be a testing ground for eco-activists in California – it is where eco-activists first used endangered species to cut water deliveries to farmers, and where eco-activists are now proposing to remove hydroelectric dams to restore salmon runs. The crisis that occurred in the Klamath Basin in 2001 was a forerunner to the crisis taking place in California today.

Earthjustice (formerly Sierra Club Legal Defense Fund) and other eco-activist groups filed a lawsuit in 2001 to protect three endangered fish species: Lost River sucker, shortnose sucker, and Coho salmon. In the face of a debilitating drought in 2001, a court ruling directed the U.S. Bureau of Reclamation to cut off water deliveries to 1,400 farmers in the Basin to protect the fish. Armed federal agents closed water diversion gates to the irrigation canals.

The damage to agriculture cost the regional economy more than \$130 million with 2,000 jobs lost, according to a joint report by Oregon State University and the University of California, Berkeley.

The National Academy of Sciences reported that there had been “no sound scientific basis” for cutting off the water to the farmers to protect the endangered suckerfish and salmon. In response, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service issued new reports that more closely matched the Academy’s findings. The Academy’s report – by the nation’s leading scientists – was snubbed by environmental organizations because it did not “return farmland to nature” nor advance their interest in getting the farmers off the land.

After further litigation, the U.S. Ninth Circuit Court of Appeals ultimately rejected the Bureau of Reclamation’s subsequent irrigation plan. The Klamath Basin crisis shows that eco-activists don’t want sound science; they want cutbacks on human water use. (*The Wall Street Journal*, October 7, 2002, “Klamath Gothic”; The Heartland Institute, April 1, 2002, “NAS debunks Klamath water shutoff”; *Siskiyou Daily News*, October 20, 2005, “Enviros Claim Victory in Klamath River Water Ruling”; and *Reuters*, April 4, 2013, “U.S. recommends removal of dams on Klamath River to aid salmon”).

Reduction of California’s Water Supply

The Sacramento-San Joaquin River Delta is the hub of California’s water system. The California State Water Project (SWP) and the federal Central Valley Project (CVP) use a system of pumps and aqueducts to divert and move water to urban and agricultural water users throughout the state. The aqueducts provide drinking water to more than 25 million people (about two-thirds of all Californians), and serve nearly 4 million acres of irrigated farmland (producing a quarter of the nation’s food supply). The system’s 42 major reservoirs deliver up to 10 million acre-feet of water in an average year – (an acre-foot would fill a football field one foot deep in water, which represents the needs of two average families for one year). California has relied more heavily upon Delta water in recent years, after signing an historic agreement in 2003 with six other Western states to cut California’s “overuse” of Colorado River water.

Earthjustice, Natural Resources Defense Council, and other eco-activist groups, filed two lawsuits in 2005, challenging the Biological Opinion for the Coordinated Operations of the Central Valley Project and State Water Project in the Sacramento-San Joaquin River Delta and the Long-Term Operational Criteria and Plan (OCAP), arguing that the operations threatened Delta smelt, Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, and Central Valley steelhead – endangered and threatened fish species. The Biological Opinion and accompanying incidental take statement authorize the operation of these federal and state water projects. In each lawsuit, the court ordered the revision the Biological Opinion for the OCAP.

In December 2008, the U.S. Fish and Wildlife Service (FWS) released a revised Biological Opinion for the Delta smelt that continues the cuts of 20 to 30 percent in the water deliveries to farms and cities south of the Delta. State Water Project deliveries

throughout California could be permanently reduced by up to 50 percent. FWS issued new rules that idle the water pumps during the entire smelt spawning season, essentially from January to June. The pumping restrictions prevent increased precipitation from being delivered and stored, leaving the water to continue to run unused into the ocean (Department of Water Resources, *Press Release*, December 15, 2008, “Delta water exports could be reduced by up to 50 percent under new federal biological opinion” and The Metropolitan Water District of Southern California, *Appendix A*, 2013).

On June 4, 2009, the National Marine Fisheries Service released a revised Biological Opinion for Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, and Central Valley steelhead that modifies operations, such as the timing and magnitude of releases from dams, and cuts water deliveries by an additional ten percent. The operational rules specified in the 2008 and 2009 Biological Opinions continue to be legally required. (California Department of Water Resources, *The State Water Project Delivery Reliability Report 2013*).

Our reservoirs were at low levels in the drought of 2009 because we depleted them to meet the needs of salmon in the San Joaquin River, as required by a federal law, said Sarah Woolf, spokeswoman for Westlands Water District (*Marysville Appeal-Democrat*, March 10, 2009, “Thomas D. Elias: Now it’s definitely a man-made drought”).

“The implementation of these restrictions will prolong the recession, delay economic recovery, impact the supply of fresh fruits and vegetables as well as other goods and services, and adversely affect consumers throughout the country,” said Sarah Woolf, spokesperson for Westlands Water District (*AgAlert*, June 10, 2009, “Biological opinion for salmon adds to water worries”).

Even after spending \$240 million for Bay Delta Conservation Plan (BDCP) planning costs, most of which has been spent to produce the 9,000-page Plan and its corresponding 25,000-page EIR/EIS, the question of how much free water flow is needed to sustain endangered fish species like Delta smelt and salmon is still disputed. Delta smelt are affected by pollution from Delta cities and by predation by bass; salmon are affected by Pacific Ocean deep-water currents that provide food, and salmon smolts are affected by predation – none of which relate to water diversion. There is little evidence that water delivery cutbacks are improving the environment.

According to the California Department of Water Resources, most farms are already using water efficiently (*Aquaforia*, December 31, 2007, “California’s Water Crisis”).

The federal and state water allocations south of the Delta were zero percent of contracted amounts for the first time in history on February 21, 2014. Storage in California’s principal federal and state reservoirs as of January 31, 2014 was 65 percent of the historic average, according to the California Department of Water Resources. Even with the principal federal and state reservoirs’ storage at 110 percent of normal in April 2012, the federal and state water allocations south of the Delta were 40 percent

and 60 percent of contracted amounts respectively on April 16, 2012. It appears that a 40 to 60 percent allocation is the new 100 percent, and that allocation decisions are more influenced by politics than by hydrology (*San Jose Mercury News*, January 31, 2014, “California drought: State Water Project will deliver no water this summer”; *Reuters*, February 21, 2014, “Federal water allocation for drought-stricken California farms cut to zero”; and Association of California Water Agencies, April 16, 2012, “Bureau, DWR Increase 2012 Water Supply Allocations”).

These cuts in water deliveries may be beneficial to California’s \$5 million per year commercial salmon industry (0.8% of the total U.S. commercial salmon industry), but are devastating to California’s \$45 billion per year agricultural industry (one-quarter of the U.S. food supply) (National Marine Fisheries Service, *Fisheries of the United States 2011* and California Department of Food and Agriculture, *California Agricultural Production Statistics 2013*).

The Biological Opinions provide for further litigation. The Biological Opinion on salmon species states, “Finally, we note that the project agencies are currently developing and evaluating a plan to construct a diversion on the Sacramento River and a canal [water tunnels] around the Delta, in the BDCP planning effort. Such a reconfiguration of the water conveyance system would take careful planning to avoid jeopardizing Sacramento River and north Delta species, as well as several years of environmental review and permitting, and would trigger a re-initiation of this Opinion.” A new OCAP in 2030 also will trigger a new Biological Opinion, likely resulting in further litigation.

State and federal wildlife agencies have indicated they will approve only the BDCP with more water for habitat purposes. “The fish agencies are signaling that they believe that current science supports the need for those higher outflows [for species],” said Mark Cowin, director of the state Department of Water Resources. “As the language points out in the draft plan, they are likely to require those flows as part of their findings when the permit is issued [for the BDCP].” Environmentalists have already stated their intent to litigate the Biological Opinion for the permit, to render the tunnels useless (*Los Angeles Times*, December 9, 2013, “Proposed delta tunnels may not satisfy water needs, documents say”).

The United States Court of Appeals for the Ninth Circuit on April 24, 2008 ruled that the biological opinion by the National Marine Fisheries Service for the management of the dams and reservoirs on the Columbia and Snake Rivers is invalid because it did not evaluate properly their effects on several salmon and steelhead species, in *National Wildlife Federation v. National Marine Fisheries Service*. The court held that “where baseline conditions already jeopardize a species, an agency may not take action that deepens the jeopardy by causing additional harm.” This decision raises the compliance standard by foreclosing actions that reduce the likelihood of the “recovery” of a listed species. The decision will make it more difficult for agencies and private entities throughout the west to meet federal requirements for projects under the Endangered Species Act. (Nossaman Guthner Knox Elliott LLP, April 30, 2008, “Ninth Circuit

Reiterates Prior Decision Invalidating the Biological Opinion for Management of the Columbia River System”).

“I believe you’re going to see less reliable water, particularly as it relates to farming activities in the Central Valley and more difficulty finding replacement water for urban growth associated with the growing population anticipated in California,” said Donald Glaser, then-Bureau of Reclamation’s regional director in announcing water cutbacks in 2009 (*San Diego Union-Tribune*, June 4, 2009, “Feds release plan to protect chinook salmon”).

“What we’re left with is a situation that allows a handful of biologists to govern the water supply for a state of 38 million people. It will be that way until the people of California take control of their own future,” said Doug Mosebar, then-president of the California Farm Bureau Federation. “Bureaucracy, the rule of no one, has become the modern form of despotism,” stated Mary McCarthy (*AgAlert*, June 10, 2009, “Biological opinion for salmon adds to water worries”).

Eco-activists Destroyed Logging and Towns in the Northwest

Eco-activists’ purpose in the 10-year fight over the Northern spotted owl was to destroy the timber industry and private property rights, writes Tom DeWeese, president of the American Policy Center. As a result of federal restrictions to save the Northern spotted owl, U.S. timber sales were reduced by 80 to 90 percent, forcing sawmills to close, loggers to go bankrupt, and the literal disappearance of entire towns that depended on the industry.

Yet, the logging restrictions were scientifically unfounded. According to the draft recovery plan for the Northern spotted owl, scientists are no longer saying that logging is a great threat to the owl. The plan recognizes that the primary threat to the Northern spotted owl is the Barred owl, which is out-competing the Northern spotted owl for habitat and food, causing the Northern spotted owl’s decline. The Northern spotted owl does not need old-growth forests to survive, since spotted owls were found living under bridges and in McDonald’s signs. In reality, the “threatened” Northern spotted owl is a subspecies of Mexican spotted owl, which is not endangered at all (The Heartland Institute, September 1, 2007, “Timber Companies Exonerated, Barred Owls Blamed for Spotted Owl Decline”).

Political Realities Must be Addressed

“California’s forefathers built a system (of aqueducts and storage facilities) designed to withstand five years of drought,” said Congressman Devin Nunes. Californians have not built a major reservoir since the New Melones Dam more than 30 years ago, as the state subsequently added almost 20 million people. Providing additional water storage reservoirs and water conveyance infrastructure to increase water storage capacity is only half of the solution. Eco-activists effectively are dismantling the state’s water system, and are positioned to drain or impede any new water storage and conveyance infrastructure. Political realities must be addressed. (*Investor’s Business Daily*, February 14, 2014, “California’s Drought Isn’t Due To Global Warming, But Politics”).

“California is beset by the worst drought in its recorded history, and its politicians, from its governor and U.S. senators down, are publicly wringing their hands about its effects and doing what they can, which is precious little, to mitigate them,” writes columnist Dan Walters. “The tendency of politicians, however, has been to take symbolic steps so that they can’t be accused of ignoring water, but not face it squarely.” (*The Sacramento Bee*, February 23, 2014, “California politicians have talked about water, but done little”).

In January, Rep. Jim Costa D-Fresno and Senators Barbara Boxer D-CA and Dianne Feinstein D-CA wrote a letter asking President Obama to “appoint a drought task force and federal drought coordinator to parallel efforts at the state level.” “Establishing a presidential task-force allows politicians to posture while ensuring that a problem doesn’t get fixed,” writes *The Wall Street Journal*. (*The Wall Street Journal*, January 23, 2014, “California’s Water Fight”).

President Obama’s \$1.2 billion relief plan does not involve getting the Sacramento-San Joaquin Valley Emergency Water Delivery Act (H.R. 3964) through the U.S. Senate, but rather to shovel pork to environmental activists and their victims, writes *Investor’s Business Daily*. “We are not interested in welfare; we want water,” said Congressman Devin Nunes. The plan does not let a “serious crisis to go to waste,” but rather uses the crisis to push for a \$1 billion “Climate Resilience Fund” intended to satisfy Big Green political supporters (*Investor’s Business Daily*, February 14, 2014, “California’s Drought Isn’t Due To Global Warming, But Politics”).

The Importance of Being Political

Farmers and other business owners would be wise to read the Sierra Club’s explanation for their success, and then emulate it: “Over the years it became obvious that if Club members could help to select legislators, they would have an easier time winning battles in Congress...the Sierra Club and other groups could, if they chose to, participate at the beginning of the process of creating law...The Club thereupon decided that half measures were insufficient. In 1982 it endorsed about 140 candidates for the House and the Senate and raised around a quarter of a million dollars for their campaigns. More than that, members themselves worked on campaigns. Around three quarters of the Club-endorsed candidates won.” Political campaigns, laws, lobbying, and litigation are used as effective tools to achieve the organization’s goals (Sierra Club, *Sierra Club: 100 Years of Protecting Nature*).

In 2011, there were 28,692 environmental organizations, reporting nearly \$7.5 billion in total revenue and \$21 billion in assets, according to the Internal Revenue Service. (National Committee for Responsive Philanthropy, *Cultivating the Grassroots: A Winning Approach for Environment and Climate Funders*).

The \$7.5 billion eco-activist industry is far smaller than California’s \$45 billion agriculture industry – or \$68 billion homebuilding industry – and even smaller yet than the United States’ \$394.6 billion agriculture industry. When the agriculture industry is added to other forms of industry and commerce, the financial resources of the eco-activist industry pale by comparison (USDA, February 20, 2014, “2012 Census of Agriculture”).

Political Action Cost

The 2012 presidential election was the most expensive in American political history. Total spending by candidate campaigns, political action committees, super political action committees, and political parties on the presidential and congressional races was \$6.3 billion. Each presidential candidate raised more than \$1 billion dollars, according to the Federal Election Commission. The average winner in a U.S. Senate race spent \$10.2 million. The average winner in a U.S. House race spent \$1.5 million (*The Huffington Post*, December 6, 2012, “2012 Presidential Election Cost Hits \$2 Billion Mark” and *OpenSecrets.org*, June 19, 2013, “Election 2012: The Big Picture Shows Record Cost of Winning a Seat in Congress”).

Emulate Success Rather Than Appeasement

Today, environmental organizations are feared for their political advocacy and tenacity. Businesses from farmers to corporations use their financial resources to appease environmental organizations, rather than use that money to fight for constitutional rights or free market principles. For example, water agencies have already allocated \$240 million for combined total planning costs of the Bay Delta Conservation Plan, most of which has been spent to produce the 9,000-page Plan and its corresponding 25,000-page EIR/EIS. Another \$1.2 billion will be needed to complete the planning before construction of the water tunnels under the Delta can start.

Rather than spend \$1.2 billion to appease eco-activists, water users ought to spend this money on political campaigns to elect legislators who could create laws to represent water users' interests. Looking at the costs of political campaigns, \$1.2 billion could go a long way politically. Farmers, homebuilders, and other industries must move beyond cronyism or seeing one another only as competitors; they must unite to defend their constitutional rights, free market economy, and civilization itself. One for all, all for one.

As water users, farmers, businesses, and property owners allocate and spend financial resources, working to elect legislators who pass legislation upholding constitutional rights and free market principles, then federal judges will be tasked with upholding laws favorable to people. Laws need to address the very real impacts on people caused by having insufficient water rather than the speculative impacts on fish. Eco-activists today like to say that they represent the public interest, when in reality they are anti-human. Harm to species must be proven and significant, before causing harm to people. Human suffering and the loss of livelihoods ought not be tolerated or appeased. This is how being political helps to control one's own destiny.

“Politics is war conducted by other means,” writes David Horowitz, president of the David Horowitz Freedom Center. Eco-activists want a decline in civilization – including farming. How does one appease entities that want a decline in civilization? (David Horowitz, *The Art of Political War and Other Radical Pursuits*).

Developing the political clout to protect water for people is not a matter of financial resources; it is a matter of will. Agriculture presently is not “feared” by politicians, as is

the eco-activist industry, but ought to be, for the sake of agriculture and for the sake of civilization as a whole.

The Failure of Appeasement

“Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety,” said Benjamin Franklin. One failure of appeasement is that it prolongs the worsening of political conditions. To paraphrase Winston Churchill: Appeasing government is like feeding a crocodile, hoping it will eat you last (Benjamin Franklin, Pennsylvania Assembly: Reply to the Governor, November 11, 1755).

German pastor Martin Niemöller made a famous statement about the inactivity of people during the Nazi rise to power, which is relevant here. He said: “First they came for the communists, and I didn’t speak out because I wasn’t a communist. Then they came for the trade unionists, and I didn’t speak out because I wasn’t a trade unionist. Then they came for the Jews, and I didn’t speak out because I wasn’t a Jew. Then they came for me and there was no one left to speak out for me.”

Being uninvolved is not neutral. In the status quo, Congress continues to write new laws to add more regulations to businesses, to take more water, and to do the bidding of eco-activists and special interests who don’t wait-and-see. There is no being under the radar for farmers and other business owners throughout California.

Success

“It all comes down to this basic premise: If you lose your economic freedom, you lose your political freedom and, in fact, all freedom. Freedom is something that cannot be passed on genetically. It is never more than one generation away from extinction. Every generation has to learn how to protect and defend it,” said Ronald Reagan. (Ronald Reagan, “Whatever Happened to Free Enterprise?,” *Imprimis*, Hillsdale College, August 2004).

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