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Fisherman Takes On Corporate Farmers on Their Turf Collins Speaks Out for Salmon

By Zeke Grader

"Fishermen and farmers are a lot alike. We're both food producers. Fishermen serve up the main course, while farmers provide the side-dish" – Larry Collins

On April 11, the House Natural Resources Subcommittee on Water & Power held a field hearing in Fresno, California, called "Creating Jobs by Overcoming Man-Made Drought: Time for Congress to Listen and Act."

The event could best be described as a "cat hanging." The purpose of the event was to go after the federal government for supposedly "wasting 200 billion gallons of water, taking it away from the breadbasket of America diverting water to the ocean" and for water management policies to protect damaged salmon runs that corporate agriculture says have cost "tens of thousands of farm workers their jobs, inflicted up to 40 percent unemployment rates in the region, fallowed more than 150,000 acres of the most fertile farmland in our nation, and forced up the price of groceries across the nation." Subcommittee members were supposed to have "heard first-hand from local individuals and groups who have been directly impacted by the deliberate diversions of over 200 billion gallons of water from San Joaquin Valley farmers in order to

protect a three-inch fish."

The hearing was clearly designed for a local audience – albeit more to incite, than to inform.

What was at issue there were the federal protections that had been put in place after 2007 to protect listed Sacramento winter and spring-run chinook, along with some other fish (e.g., the resident Delta smelt) whose numbers had plunged as pumping by State and Federal projects from the Sacramento-San Joaquin Delta increased significantly in the early part of the decade.

The water projects were taking in excess of 50 percent of the original freshwater inflow from the estuary – consisting of the Delta and San Francisco Bay – and diverting it south, primarily to the parched and selenium-laden (fertile?) lands of the west side of the San Joaquin Valley to grow crops such as alfalfa, almonds, pistachios and pomegranates (breadbasket?).

The increased pumping also affected the fall-run chinook of the Central Valley; fish that support California's and much of Oregon's ocean salmon fishery. Central Valley fall-run numbers had

fallen more than any other salmon run along the Pacific Coast (save the Fraser River sockeye in 2009). Tag returns indicated that most of the young fish were not even surviving their migration through Bay-Delta Estuary. Ocean conditions most likely were only a secondary factor compared to what was happening to the fish before they even entered the ocean.

When restrictions began to be imposed on Delta pumping, west side San Joaquin growers began complaining to Congress and signs sprouted up along I-5 decrying a "Congress-created drought" and demanding the ouster of the Democrats they decided to blame, including then-House Speaker Nancy Pelosi, Senator Barbara Boxer and their own Congressman Jim Costa, ignoring the fact it was their own home town Judge, interpreting the Endangered Species Act, who found that the increased pumping was harming the fish.

Against this backdrop, one lone fisherman was invited to provide a countering argument to the powerful west side agribusiness interests and their allies. Larry Collins, who was chosen to testify, is a salmon, crab and rockfish fisherman, President of the Crab Boat Owners Association and PCFFA Vice-president.

While most of his colleagues were at



the Pacific Council meeting – where deliberations over the 2011 season were taking place – Collins made the trek to Fresno to meet a largely hostile audience and speak out on behalf of salmon and salmon fishermen. An excellent video of Larry’s testimony at the hearing was prepared by Salmon Water Now and can be viewed at: <http://vimeo.com/22449907>. For the official archived copy of the entire hearing see: www.ustream.tv/recorded/13934369.

Below are excerpts from Larry Collins’ Fresno testimony on April 11th:

My wife Barbara and I fish for salmon and crab out of San Francisco on our vessel, the *Autumn Gale*.

I first got involved with water issues around the time of the Central Valley Project Improvement Act 20 years ago and I have been involved ever since.

Salmon fishing was 70 percent of my income so, clearly, if the resource wasn’t healthy I didn’t work.

We have a duty to appear before you today to provide the fishermen’s perspective on California’s water resources, the ways in which these resources are being managed and abused, and the assistance which Congress might provide to assure a more equitable and sustainable distribution of the state’s water resources among food producers – both fishermen and irrigators – and the state’s urban communities.

We were forced out of work altogether – no salmon fishing – beginning in 2008.

Barbara and I were successful fishermen for 25 years. During those years we bought

our home, raised our two kids, and paid our bills – all from the income earned from our fishing.

California’s salmon fisheries were shut down altogether, under the regulations of the Federal Magnuson-Stevens Fishery Conservation & Management Act, in 2008 and 2009. There was a meager ocean salmon fishery allowed last year – fewer than 20 percent of our fleet participated in it. It looks as though we might be able to get back to work, to catch up a bit on the bills, this year.

Following the closure of our fishery in 2008 the National Marine Fisheries Service – that is, the Service’s scientists headquartered at their Santa Cruz, California laboratory – prepared an assessment of the reasons for

the poor condition of Central Valley salmon stocks. The lead investigator of that NMFS panel, Dr. Steven Lindley told the press “Poor ocean conditions triggered the collapse. But what primed it is the degradation of the estuary and river habitats”

So how has the safekeeping of the Estuary and the river habitats by their State and federal stewards been going lately?

There’s been a lot of hand wringing, of course, because there are supposedly high protection standards in place for the Estuary. But when the Governor declared a drought emergency three years ago, many of those Delta protections – including those necessary to address the degradation pointed out by Dr Lindley – were suspended.

And, of course, there have been those controversial federal court decisions, back and forth, about how much water can be taken from the Delta before harm is done to its public trust resources.

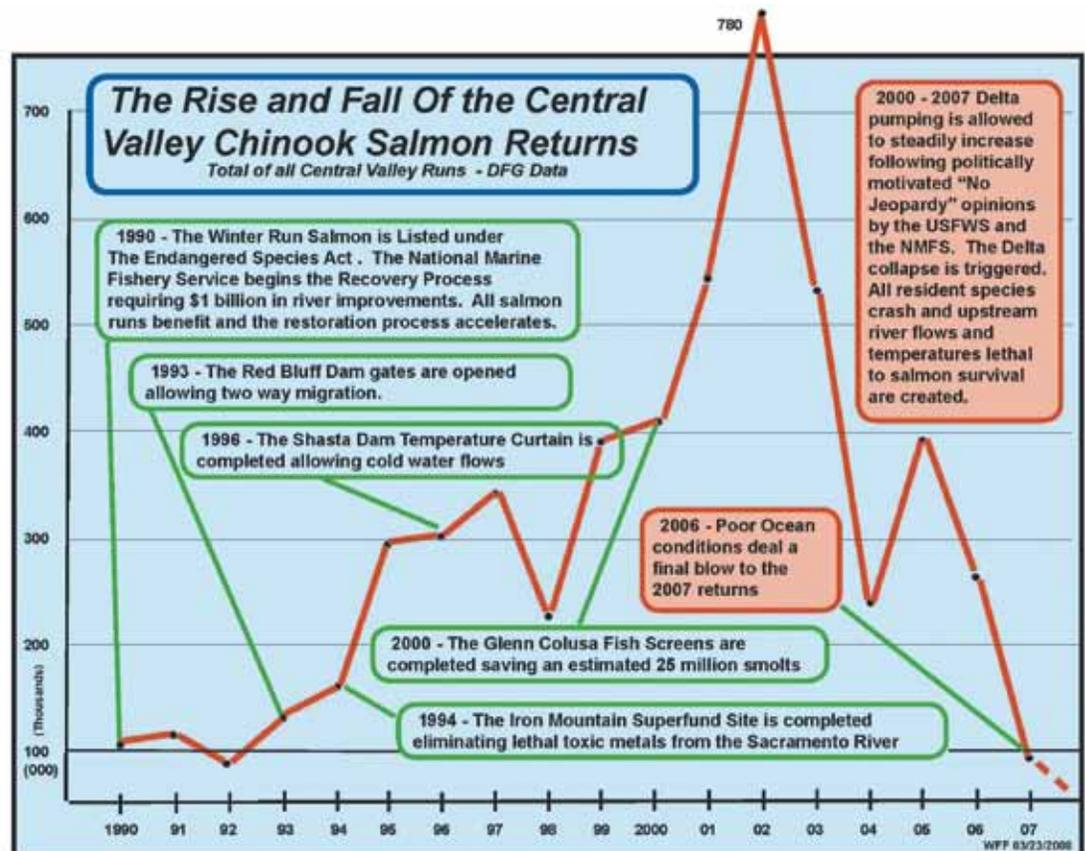
How Bad Was That Last Drought?

It would have been hard to tell from the news the past three years how bad – or not – the “drought crisis” was. What is clear is the subject supported a two-year media circus in the Fresno area.

Precipitation in the San Joaquin Valley was 80 to 90 percent normal for most stations in 2009.

Last year precipitation was 100 percent or better for most San Joaquin Valley locations.

The Central Valley Project’s Friant and Eastside division customers received 100



This Chart 1 documents the dramatic decline of the Central Valley Chinook salmon.



percent of their contract allocations in 2010.

It was the San Joaquin Valley's *west-side* irrigators that were doing all the hollering. It was *they* who were claiming to be in such a world of hurt. It was *they* who staged the media circus with clowns like Sean Hannity and posed *60 Minutes'* Diane Sawyer in front of uprooted almond trees without bothering to tell her that they tear those trees out every 20- to 25 years anyway.

It's the San Joaquin Valley's *west-side* growers, those with the poisoned soil, that did all the yowling during those two dry years. And you know what? At the same time that *our* guys were put *totally* out of work the San Joaquin Valley's *west-side* irrigators did better than ever.

Unemployment in the San Joaquin Valley?

The suffering of the farm community of Mendota, California played on the pages of every major newspaper in the country, on Fox News repeatedly, and in a *60 Minutes* broadcast.

How bad was unemployment in Mendota? Really bad – not only in 2008 and 2009, but in virtually *every year for which there are records*.

Unemployment peaked in Mendota in 2009 at 42 percent. It hit 38 percent eight years ago and got below 20 percent, thanks to the construction boom, for the first time in 2005-2007.

The Berkeley-based Pacific Institute noted in 2009:

"... the drought has had very little overall impact on agricultural employment, compared to the much larger impacts of the recession. In fact, in the last three years,

while State Water Project allocations have decreased statewide, California's agricultural job sector has grown. Further, according to Professor Jeffrey Michael, director of the Business Forecasting Center at the University of the Pacific in Stockton, rising unemployment in the Central Valley is largely the result of the bad economy, not a lack of water."

Unemployment in California's Salmon Fisheries?

On the other hand, unemployment in the California salmon fisheries, the result in major part, as Dr. Lindley said, of the degradation of the Estuary and river habitats, was 100 percent – total – in 2008 and 2009, by order of the US Secretary of Commerce.

A study conducted by our industry two years ago, using 2006 National Marine Fisheries Service survey data, indicates that the shut-down of salmon fishing in California – both commercial and sports fishing – delivered a \$1.4 billion annual loss, and the loss of 23,000 jobs to our state. The study found that the recovery of California's salmon fisheries to their good, pre-drought condition would provide California a \$5.6 billion annual economic gain and the creation of 94,000 new jobs.

Two Quite Different San Joaquin Valleys

Because some of you may be new to the San Joaquin Valley I would like to point out that there are great differences between irrigation on the east side of the Valley, where you are sitting today, and irrigation on the west side of the Valley.

Irrigated agriculture on

the east side of the Valley began in earnest in the 1870s.

It draws on the streams that flow off the Sierra Nevada and the groundwater basins that those streams recharge.

As you drive down the east side of the San Joaquin Valley you'll see a landscape filled with orchards and vineyards and farmhouses every quarter of a mile and small towns every few miles.

Friant Dam was built on the San Joaquin River during the Great Depression as an economic recovery project.

That was its political reason-for-being. Its principal technical reason was to help recharge the groundwater basins that had been overdrawn in 60 years of east side agricultural pumping.

Irrigators in the Bureau of Reclamation's Friant Division receive 100 percent of their Central Valley Project water allocation, as do the Bureau's "Eastside water contractors" – the Central San Joaquin Water Conservancy District and Stockton East Water District.

Irrigating the 'Badlands' of the Valley's West-Side

Unlike the east side of the San Joaquin Valley, with its Sierra Nevada run-off water supply, the west side of the Valley is desert-like. Small creeks flow there, but only seasonally.

The first deep wells were sunk on the west side by large landowners during World War I to grow cotton, a salt-tolerant crop in demand by the military.

By 1942 the west-side irrigators were running out of groundwater. They formed the Westside Landowners Association to lobby the fed-

eral government for Northern California water for their side of the Valley.

In 1952 they formed the Westlands Water District.

One of Westlands' strongest allies was Congressman Bernice – "Bernie" – Sisk of Fresno, who pushed for Congressional authorization of the Central Valley Project's (CVP's) San Luis Unit.

Here's what Mr. Sisk had to say about the proposal when it was up for House action in 1960:

"If San Luis is built, according to careful studies, the present population of the area will almost quadruple. There will be 27,000 farm residents, 30,700 rural nonfarm residents, and 29,800 city dwellers; in all, 87,500 people sharing the productivity and the bounty of fertile lands blossoming with an ample supply of San Luis water."

"Recent surveys show that the land proposed to be irrigated is now in 1,050 ownerships. These studies show that with San Luis built, there will be 6,100 farms, nearly a sixfold increase. And in the breaking up of farms to family-size units, anti-speculation and other provisions of the reclamation laws will assure fair prices."

It's hard to say how many ownerships there are in Westlands today. That's information the Bureau of Reclamation is supposed to have in hand ever since Congress "reformed" Westlands in 1982 – but Westlands is, after all, a Reclamation constituent.

There are probably about a thousand ownerships in the Westlands Water District – about the same number as there were 50 years ago.



And those thousand may be held by as few as 200 families and corporations, according to a University of California assessment.

What we *do* know is that roughly about the time Congress "reformed" the Westlands Water District, more than a dozen years after they began spreading Trinity River water onto Westlands' soils, district landowners included the Standard Oil Company – a principal organizer of the 1940s lobbying effort – at 10,474 acres; the Southern Pacific Railroad at 106,000 acres; the Boston Ranch (owned then by cotton billionaire J.G. Boswell) at 26,485 acres; and the Harris Ranch, operator of the world's largest cattle feedlot, at 18,393 acres

Not exactly the kind of "family farmers" that Congress had in mind when it passed the Reclamation Act of 1902 – nor which Bernie Sisk promised the nation in his 1960 San Luis Unit authorization floor speech

What Does Irrigating the West Side of the San Joaquin Valley Have to do with Salmon Fishing?

What does irrigating the west side of the San Joaquin Valley have to do with salmon? A lot – a *tremendous* amount. And the situation appears to be getting more dire every year.

Even as Westlands was lobbying Congress for the San Luis Unit, more than 50 years ago, to bring Trinity River water down to the west side (water, incidentally, intended for years for the CVP's "Sacramento Canals Unit," in what is now Congressman Herger's district) it was well understood by all that there would have to

be an accompanying drainage system.

The soils on the west side of the San Joaquin Valley are high in toxics, like selenium, boron and arsenic, that would gradually destroy irrigated agriculture unless it was drained away to the rivers, the Bay-Delta estuary and the coastal ocean.

And, of course, there hasn't been any such comprehensive drainage system created for Westlands and their "badlands" water district neighbors.

The San Francisco Bay Area community successfully fended off the so-called "San Luis Drain" from reaching to the San Francisco Bay estuary. There was a lame attempt to promote draining this stuff into Monterey Bay 20 years ago – but that was another non-starter.

Reclamation tried to puddle the San Luis Unit drainage up at Kesterson Reservoir – and call it a national wildlife refuge. Birds began to die there in large numbers about 30 years ago, about the same time that a neighbor, Jim Claus' cows began to die.

This toxic pathway – from old sea-floor sediments, to irrigation drainage, to disastrous release into the aquatic effect – has been widely reported in the scientific literature as the "Kesterson effect."

Westlands' Free Ride

As I mentioned above, the CVP's San Luis Unit was supposed to operate off water from the Trinity River – the "Trinity Diversion Project" – water that was always intended for the Sacramento Valley until Westlands mus-

pled itself to the front of the line in the 1950s.

The Bureau of Reclamation contracted to deliver up to 90 percent of the natural flow of the Trinity River water to the west-side irrigators on the same basis as they did the rest of their customers – "when and as available."

The 1970's diversions from the Trinity proved disastrous for Trinity River salmon and the Native Americans who had depended on them for thousands of years for food.

In the 1980's the Department of the Interior began a re-evaluation of the salmon flow needs of the Trinity River.

The findings of the re-evaluation were that much of the water Reclamation had been delivering to Westlands had to be left in the Trinity. It wasn't just about salmon. It was about American law dating back to the very early 1800's – the United States' Trust responsibilities to the Tribes.

So Reclamation is delivering to Westlands as much water as it can – that which is available. And if that represents "only" 65 percent of Westlands' contract maximum, is that a raw deal?

If Congress thinks that's a raw deal, then who does it want to deliver the raw deal to? The Tribes?

What's the Answer?

The federal government has been delivering water that it should not have – at least from a salmon and Tribal perspective – to Westlands. Westlands has been running toxic drainage from its irrigated "badlands" into the river, Bay and coastal ocean, poisoning the salmon our mem-

bers depend on for a living, in violation of law.

In the process, Westlands has run up a \$500 million federal government tab at US taxpayers' expense. And they have received hundreds of millions of dollars in agricultural price supports – subsidies.

They've retired 100,000 acres of toxic lands – lands that salted up from irrigation just like everyone knew they would before they ever began. And that land retirement was done at public expense.

There are another 300,000 acres of toxic badlands on the west side in need of retirement – before the last Central Valley salmon tank, and the US taxpayers with them.

Retirement of that 300,000 acres of west-side badlands would free up enough water to take care of dry spells like the last one in California for another 20 to 25 years.

For the sake of the salmon – and for the sake of the US taxpayers – we urge the Subcommittee to get behind west-side San Joaquin Valley badlands retirement.

We urge you to listen to the facts. We've all had enough of the media circus.

Remember: salmon are the main course, the vegetables are the side dish! 🍷

Zeke Grader is Executive Director of the Pacific Coast Federation of Fishermen's Associations and an attorney. He can be reached at PCFFA's main office in San Francisco at (415) 561-5080, ext. 224. His e-mail address is zgrader@ifrfish.org. Larry Collins may be reached by e-mail at lcollins@sfcraaboard.com.