Statement of Mr. Larry Collins, President, San Francisco Crab Boat Owners Association to the House Committee on Natural Resources' Subcommittee on Water and Power, Fresno, California April 11, 2011

Members of the Subcommittee, I am Larry Collins. I am president of the San Francisco Crab Boat Owners Association. I am appearing on behalf of our Association today.

Our Association is a member of the Pacific Coast Federation of Fishermen's Associations, the largest organization of working fishermen and women on the West coast. I serve, as well, as vice-president of PCFFA's board of directors. PCFFA member associations are found from San Diego to Alaska.

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 fisherman'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.

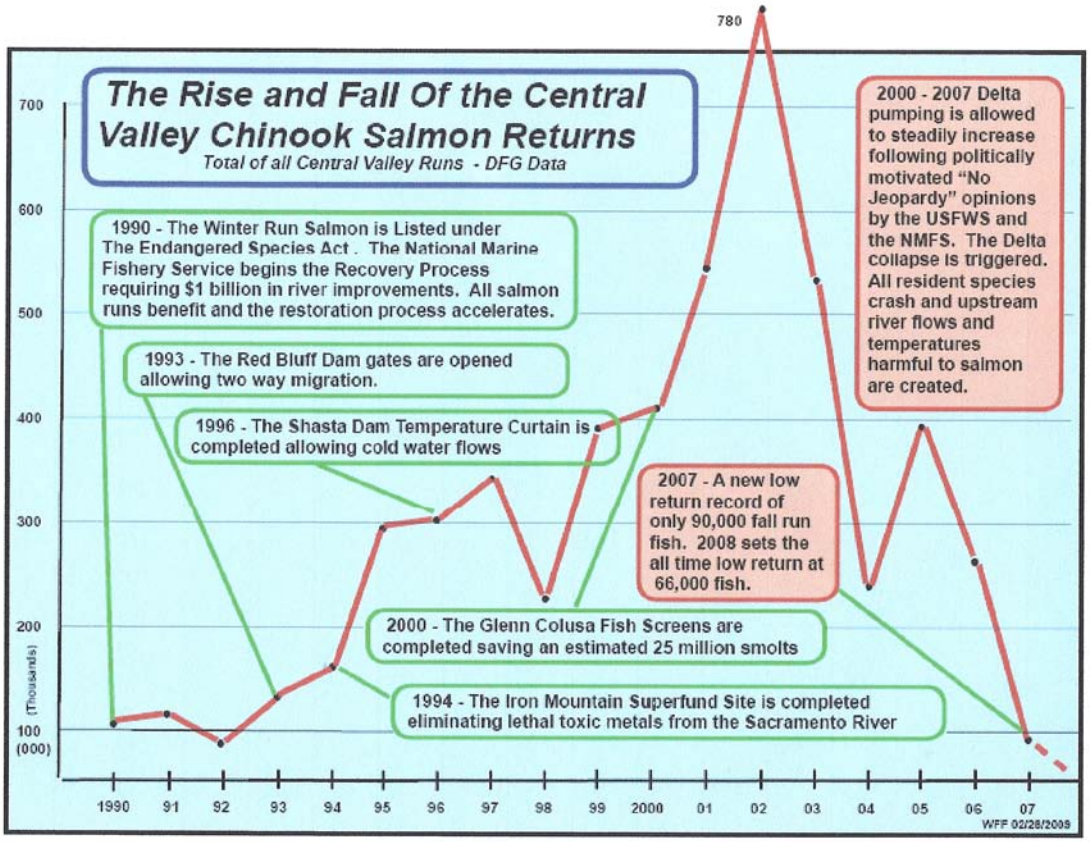
Barbara and I were successful fishermen for 25 years. During those years we bought our home, raised our two kids, and paid our bills – all from the income earned from our fishing.

California's salmon fisheries were shut down altogether, under the regulations of the Federal Magnuson-Stevens Fishery Conservation and 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 – 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** and the heavy reliance on hatcheries over the years[1] (Hatcheries are created, of course, to mitigate for salmon habitat lost to water developments.)

[1] Dr Lindley's statement may be found at http://articles.sfgate.com/2009-03-19/bay-area/17215271_1_chinook-salmon-pacific-fishery-management-council-national-marine-fisheries-service; his

This chart documents the dramatic decline of the Central Valley Chinook salmon.



We're not talking about just any estuary here.

We are talking about the San Francisco Bay Estuary, the most important estuary on the Pacific Coast of North or South America

The San Francisco Bay-Delta Estuary ecosystem has been declared, time and again, by the California Legislature – most recently in its November, 2009 'historic Bay-Delta water deal' legislation – to be a resource area of both state and national significance, held in trust for the public by the State government.

Given the nexus among State and Federal water quality, environmental policy and endangered species acts, we assume that such public trust responsibility extends to Congress and Federal agencies, as well.

To say that the San Francisco Bay-Delta Estuary is a national treasure doesn't really do it justice. It is a planetary treasure and its health or sickness has grave consequences for all of us. The responsibility for its safekeeping lies primarily in the hands of State and federal governments.

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report 'What caused the Sacramento River fall Chinook stock collapse' at
http://swr.nmfs.noaa.gov/media/SalmonDeclineReport.pdf

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-ringing, of course, because there are supposedly high protection standards in place for the Estuary. 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 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 Sawyers 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.

What about 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."[2]

How bad was unemployment in California's salmon fisheries?

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 U.S 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 over-drawn 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 – a government step too far

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.

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[2] See Professor Michael's report at http://forecast.pacific.edu/articles/PacificBFC_Fish%20or%20Foreclosure.pdf

By 1942 the west-side irrigators were running out of groundwater. They formed the Westside Landowers Association to lobby the federal 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 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."
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> "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. 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 <u>do</u> 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.

Westland's biggest town is Huron, population 6,000, 98 percent Hispanic.

There is no high school within the boundaries of the 1,000 square-mile Westlands Water District.

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 there would have to 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 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 environment – has been widely reported in the scientific literature as the 'Kesterson effect'.

Selenium levels in the San Joaquin River are unfit for salmon

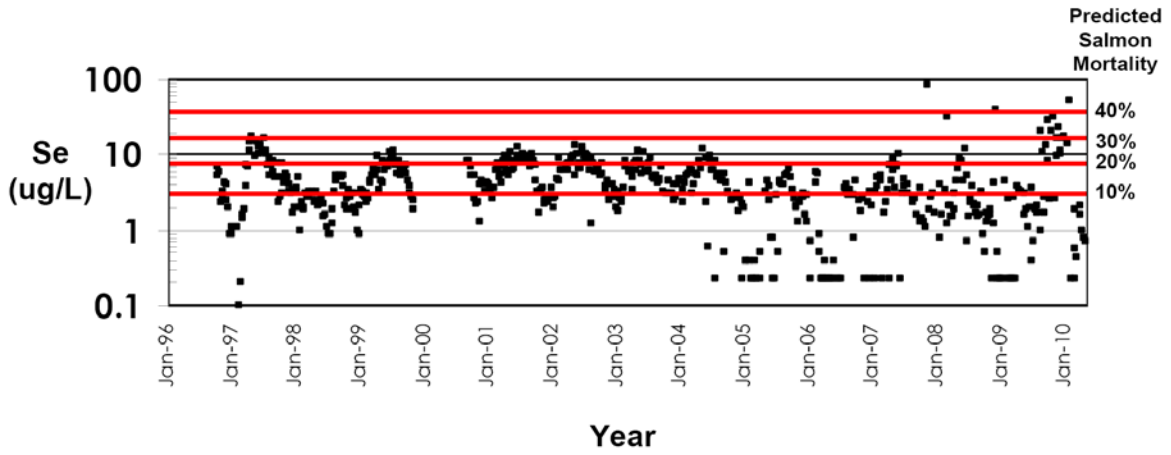

Figure 3. Selenium concentrations in the San Joaquin River at Hills Ferry (from the U.S Bureau of Reclamation)

The toxic irrigation drainage from the west-side finds its way to the San Joaquin River, the San Francisco Bay estuary and California's coastal ocean – at concentrations lethal to juvenile chinook salmon.

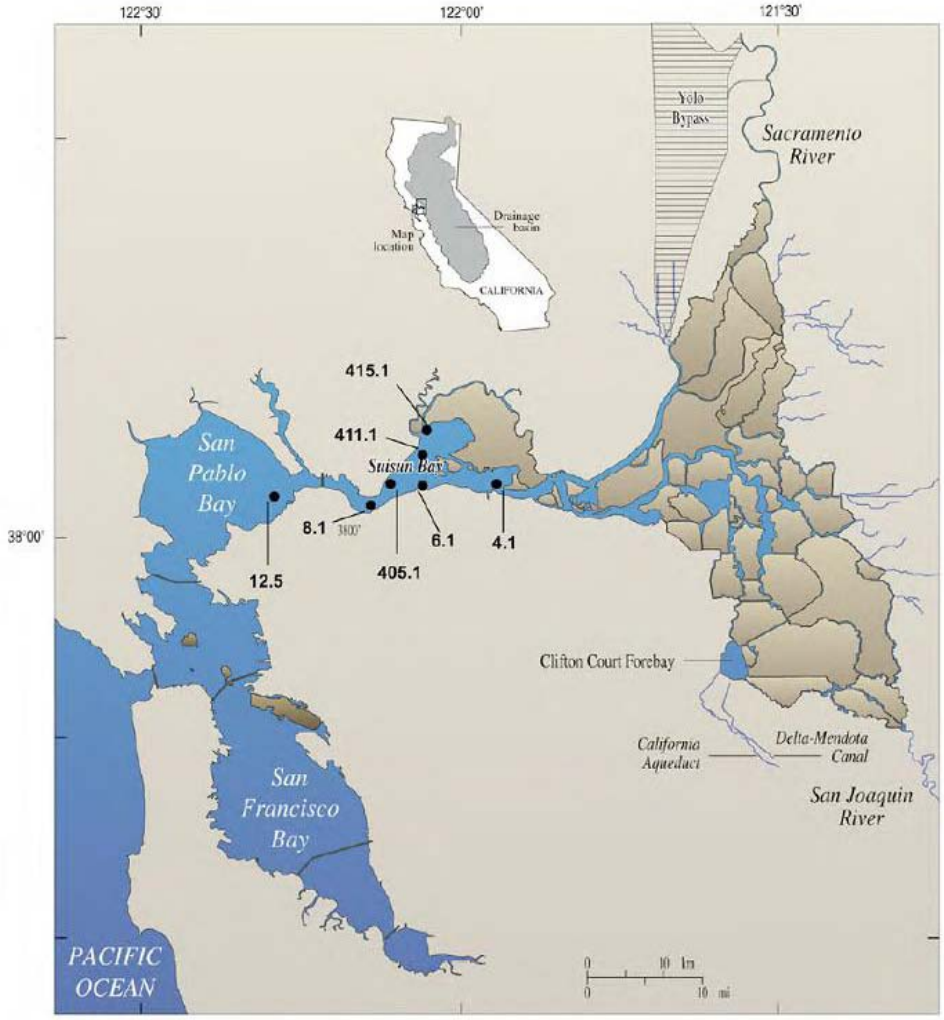

Figure 4. Unsafe levels of selenium concentrations (2 to 22 parts per billion) found in Suisun Bay and northern San Francisco Bay. Selenium loads per day from San Joaquin Valley west-side irrigators contribute from 10 to 30 times the daily selenium load of the Sacramento River and all Bay Area oil refineries combined.

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 muscled 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 1970s 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 1980s 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 1800s – 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 members depend on for a living, in violation of law.

In the process Westlands has run up a $500 million federal government tab at U.S 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 U.S 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 U.S 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.

PCFFA's executive director, Zeke Grader, is with me here to today to help me answer questions, if you have any.

Thank you.