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California, Oregon Senators Introduce Drought Relief Legislation

\$300 million in emergency funds for drought-relief projects, economic assistance programs

Federal agencies mandated to maximize, expedite drought-relief efforts

Washington—Senators from California and Oregon today introduced the [California Emergency Drought Relief Act of 2014](#), a bill to help California and Oregon farmers, businesses and communities suffering from historic drought conditions.

The legislation—which comes on the heels of weekend rain in California and Oregon and snow in the Sierra—was introduced by Senators Dianne Feinstein and Barbara Boxer (both D-Calif.) and Ron Wyden and Jeff Merkley (both D-Ore.).

The drought, which could be worse than the historic dry conditions of 1976 and 1977, already threatens California’s \$44.7 billion agriculture sector. Safe drinking water is also in danger of running out in at least 10 California communities.

Senator Feinstein said: **“This drought has the potential to devastate Western states, especially California, and Congress and the president must take swift action. This bill provides operational flexibility to increase water supplies and primes federal agencies to make the best use of any additional rain. With so little water available, we must focus on streamlining federal programs and provide what assistance we can to those farmers and communities being hit the hardest.”**

Senator Boxer said: **“Our bill will require all agencies to use their existing authority to help provide relief to communities hardest hit by this unprecedented**

drought and make investments to move and conserve water to help our entire state. The goal of this bill is to bring us together to address this crisis, rather than divide us.”

Senator Wyden said: **“Drought is already hitting Southern Oregon farmers and ranchers in the Klamath Basin, with Klamath County issuing a drought declaration two months earlier than last year. This bill can provide sorely needed relief by making sure that agencies can send scarce water to the communities that need it the most.”**

Senator Merkley said: **“Even though the Willamette Valley was hit hard by snow over the weekend, Oregon is still experiencing a terrible drought, especially in Southern Oregon. Snowpack in the Klamath Basin is only 20% of normal. We need to start preparing now because water shortages are nearly inevitable. This bill will provide emergency funding for important drought-relief projects that will help conserve water where we can and make sure the water we have gets to where it’s needed most.”**

The bill, which does not waive any federal or state law, includes a range of provisions that require federal agencies use existing powers to maximize water supplies, reduce project review times and ensure water is directed to users whose need is greatest. The bill also provides \$300 million in emergency funds to be used on a range of projects to maximize water supplies for farmers, consumers and municipalities and provide economic assistance.

Maintaining sufficient supplies of safe drinking water to meet minimum public health and safety needs is a top priority in the bill. One key grant program, the Emergency Community Water Assistance Grants, will receive \$25 million for projects to increase the availability of drinking water. Additionally, the bill prioritizes grant funding under EPA’s Drinking and Clean Water State Revolving Funds and the Bureau of Reclamation’s WaterSMART program for projects that boost drinking and municipal water supplies.

Key provisions in the bill:

- Provides federal authorization and orders the Interior and Commerce Departments to cooperate with a California Water Resources Board plan to keep the Delta Cross Channel Gates open as long as possible to allow more water to be delivered without endangering migrating salmon. This action is expected to save thousands of acre feet of water from upstream reservoirs each month this spring;
- Mandates that federal agencies use flexibility under existing law to maximize water supplies using Delta pumping. Under the Delta smelt biological opinion, which is required by the *Endangered Species Act*, pumping that results in “reverse flows” of water between -1,250 and -5,000 cubic-feet-per-second is permitted for the Old and Middle Rivers between December and June. This “reverse flow” occurs when the state and federal water pumps are turned on to draw water from the rivers into the South Delta for water users. The bill requires federal agencies to operate the pumps within this range to maximize water supplies while remaining consistent with the biological opinion and the *Endangered Species Act*;
- Directs the Department of the Interior to maintain in April and May a 1:1 “inflow-to-export ratio” for San Joaquin River flows that result from water transfers and exchanges. This means water districts willing to sell or trade surplus supplies to

districts with less water can move 100 percent of that surplus water through the Delta instead of just a fraction. This will also allow greater water transfers if California receives additional rain.

- Amends the *Stafford Act* to provide additional individual emergency assistance for major droughts when a state of emergency declaration is made by the president;
- Authorizes additional expenditures above existing funding caps for the *Reclamation States Emergency Drought Relief Act* (from \$90 million to \$190 million) and the WaterSMART program (from \$200 million to \$250 million). These programs channel funds to water projects that can lead to increased water supplies;
- Prioritize WaterSMART grants to provide emergency water supplies to communities at risk of losing access to water sufficient to meet basic public health and safety needs; to prevent the loss of permanent crops; and to minimize economic damage caused by the drought;
- Mandates that the federal government issue final decisions for projects and operations that can provide additional water supply benefits within 10 days of a request from the state;
- Authorizes funding for federal agencies to develop other water sources, such as groundwater wells and water purchases, for Central Valley Project wildlife refuges so that surface water saved can be used for drinking water and crops;
- Authorizes water planning and management activities to reduce water use in the Klamath Basin;
- Extends the period during which water contractors can take deliveries of 2013 water from February 28 to April 15, allowing them more flexibility to manage their 2014 supplies; and
- Authorizes contractors facing economic hardship to delay federal fee payments related to water deliveries.

Funding increases for drought assistance programs:

- \$100 million in emergency funds for Department of the Interior projects to rapidly increase water supplies;
- \$100 million in emergency assistance for farmers to fund water conservation measures that protect lands and sensitive watersheds;
- \$25 million to the Emergency Community Water Assistance Grants program for water conservation projects and to protect and upgrade water systems. These grants of up to \$1 million are to complete projects that boost the availability and quality of drinking water, including in California communities at risk of running out of safe drinking water;
- \$25 million for Pre-Disaster Mitigation Grants that fund community projects to reduce harmful effects of the drought;
- \$25 million in grant funding for public and nonprofit institutions to provide emergency assistance to low-income migrant and seasonal farmworkers who are directly harmed by the drought;
- \$25 million in grants for private forest landowners to carry out conservation measures in response to drought and wildlife risks; and
- Allows the Secretary of Agriculture to help cover losses caused by the drought through the Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program.

This bill is the product of a series of discussions and meetings with a wide range of federal and state departments and agencies that oversee water deliveries and economic assistance programs. Federal agencies consulted include the Bureau of Reclamation, the Fish and Wildlife Service, the National Marine Fisheries Service, the Federal Emergency Management Agency, the Environmental Protection Agency and the Department of Agriculture. State agencies include the California Resources Agency, the California Water Resources Control Board, the California Department of Water Resources and the California Department of Fish and Wildlife.

While California is the only state that has declared a statewide drought emergency, other states could benefit from this legislation. All 17 Western states covered by the Bureau of Reclamation could qualify for Department of the Interior water grants. In addition, states that have declared local drought emergencies could qualify for USDA emergency funding including Arkansas, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Louisiana, Mississippi, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas and Utah.

Experts say California's two-year drought could be worse than the record drought of 1976 and 1977, resulting in the fallowing of more than half-a-million acres of farmland.

California precipitation data

- **Rain and snow:** Between Thursday and Sunday, the San Joaquin Valley saw average precipitation amounts less than one inch, while the Sacramento Valley received between two and three inches. Precipitation in the Northern Sierra between Friday and Monday was about seven inches, while the Southern Sierra saw more than three inches.
- According to the state, California would need to experience heavy rain and snow regularly between now and May to achieve average annual rain and snowfall, and even then the state would remain in drought conditions.
- **Snowpack:** Snowpack in the Sierra is well below average. As of February 10, the northern Sierra is at 19 percent of normal for the date; the central Sierra is 36 percent of normal for the date and the southern Sierra is 26 percent of normal for the date. Statewide, snowpack is 29 percent of normal for the date.

Other California data

- **Reservoirs:** Storage in major reservoirs in California remains around one-third of capacity. As of February 9, Lake Shasta (California's largest reservoir) and Lake Oroville (the State Water Project's primary reservoir) were both at 37 percent of capacity. San Luis Reservoir, key for South-of-Delta contractors, was at 30 percent of capacity.
- **Drinking water:** As of the beginning of February, at least 10 communities are in danger of running out of drinking water in the next two months.
- **Drought emergency and conservation:** Governor Jerry Brown on January 17, as part of his emergency drought declaration, called for a 20 percent reduction in water use. And on January 31, for the first time ever, the state Department of Water Resources announced a projected allocation of zero.

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