

Editorial February 29, 2012 [Link to article](#)

Rick Santorum may have had a point the other day when he said that some environmentalists care more about animals than people. Take the water restrictions the federal government has imposed on California farmers to protect the three-inch delta smelt.

Environmentalists have long complained that the San Joaquin-Sacramento River Delta's pumps, which send water to Central Valley farmers and southern California residents, trap and kill fish. In 2006 the Natural Resources Defense Council sued the U.S. Fish and Wildlife Service for issuing a biological opinion that supported pumping more water south because the agency didn't analyze how the pumping might affect the smelt. A federal court ordered the agency to be more mindful of the smelt.

So the agency demanded that water regulators reduce pumping. The National Marine Fisheries Services joined the fun by recommending that regulators restrict pumping to protect salmon, sturgeon and steelhead too. These opinions have superceded the water contracts of farmers and resulted in 3.4 million acre-feet of fresh water flowing into San Francisco Bay each year—enough to irrigate over a million acres of land.

More than 10,000 farm jobs have been lost as a result, and regional unemployment stands at about 15%. Environmentalists blame the water shortages on drought, but even in wet years farmers aren't getting the water they're due.

The kicker is that the biggest threat to the smelt might be other fish. The National Academy of Sciences noted in a 2010 report that factors other than the water pumps appear to be contributing to the smelt's decline, namely nonnative predatory fish and pollution from wastewater treatment plants. Environmentalists still blame the pumps since they want to shrink the state's corporate agribusinesses, which produce more than half of America's fruits and vegetables. Maybe farmers should petition the Interior Department for protection against predatory environmentalists.

At any rate, even the same federal court now thinks the feds have gone too far. In a lawsuit brought by the water districts against the Fish and Wildlife Service in 2010, the court scored the agency for not considering "reasonable and prudent alternatives" that minimized the impact on humans and for attempting to "mislead and to deceive the Court into accepting what is not only not the best science, it's not science."

The court ordered the agency to revise its biological opinion, but the Natural Resources Defense Council has appealed. Meanwhile, regulators have told farmers to expect only 30% of their contractual water allowance this year. Good grief.

GOP Congressman Devin Nunes of Fresno is trying to restore some certainty to farmers and sanity in the water wars. He's introduced legislation that would cap the amount of water that annually flows into the Bay at 800,000 acre-feet per year, which is what Congress agreed to in 1992 before environmentalists started suing.

The House is expected to pass his bill Wednesday, but its prospects in the Senate are less sanguine. California's Democratic Senators Dianne Feinstein and Barbara Boxer have dismissed it as "overkill" and called for "consensus-based solutions that respect the interests of all stakeholders."

Funny, that's what the environmentalist groups are saying too. Trouble is they seem to think that the most important stakeholders are the fish.