



PRESS RELEASE

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Contact: Carolee Krieger, C-WIN 805-969-0824
Bill Jennings, CSPA 209-464-5067
Barbara Vlamis, AquAlliance 530-519-7468

Environmental Groups Respond to Pacific Legal Foundation on Delta Smelt Lawsuit

Fresno – Environmental groups are publicly questioning the basis of Pacific Legal Foundation's lawsuit challenging the legal basis of Endangered Species Act protections for the Delta Smelt. The lawsuit is one of many recent lawsuits based on Westland Water District's claims of huge reductions in irrigated acreage on the West side of the San Joaquin Valley as a result of Endangered Species Act restrictions on Delta pumping.

New research has raised serious questions about the veracity of Westlands' claims. California Water Research Associates recently issued a report showing that 100,000 acres of land, which Westlands claimed was fallowed as a result of Delta pumping restrictions, was actually retired because of toxic salt and boron contamination of soils adversely affecting agricultural production.¹

“Westlands Water District has been making extremely misleading claims for years about the causes of fallowed land in the district,” said Carolee Krieger, Executive Director of the California Water Impact Network. “The fact is, the soils in the district have become waterlogged and contaminated with salt and boron. As a result, the use of the land for agriculture is severely impaired and it continues to get worse.”

The west side of the San Joaquin Valley is former alkali desert that has been reclaimed only by dumping tons of gypsum on the ground to bind naturally occurring salts, and leaching the soil with subsidized imported Delta water. In Westlands Water District, the leaching and irrigation of water-intensive crops such as cotton and almonds has generated extensive subsurface build up of saline water that has accumulated in the eastern part of the district, impairing over 200,000 acres so far and immediately threatens another 100,000 acres, according to the Bureau of Reclamation.

For the last decade, Westlands has been buying land from owners who are ready to give up trying to farm the waterlogged, saline soils. The district is reallocating the water to less impaired land within

¹ See <http://www.scribd.com/doc/56909617/Mendota-Evidence-that-soil-and-groundwater-salinization-is-the-predominant-cause-of-land-fallowing>

the district, and in the last year, has been transferring the surplus to Metropolitan Water District.

Much of the land and groundwater within Westlands also contains high concentrations of selenium, a trace mineral that can be extremely toxic to wildlife and to humans. One of the hot spots of selenium toxicity is just south of Mendota. The US government purchased 37,000 acres and attached covenants forbidding irrigation of the land with ground or surface water, before giving the lands to Westlands Water District to manage.

As a result, Westlands Water District now owns about 100,000 acres of salty poisoned land, which has been retired from irrigated production. The largest extent of impaired land is south of Mendota.

“The simple fact is that restrictions on pumping Delta water have nothing to do with the fallowing of Westlands' 100,000 acres of retired land,” said Bill Jennings of the California Sportfishing Protection Alliance. “Blaming the farmers’ problems on the Delta smelt and the Endangered Species Act is a red herring masking the Pacific Legal Foundation’s philosophical objections to the concept of protecting endangered species. Delta smelt is simply the canary in the coal mine representing the collapse of the biological tapestry in the Bay-Delta estuary. The land is fallowed because of the legacy of greed and over-irrigation of marginal lands.”

Decades of over-irrigation of toxic, saline soils in the district has also contaminated much of the shallow and deep groundwater in the district. There are large areas that have no groundwater fit for drinking or irrigation. Kettleman City, at the southern end of Westlands, is trying to find money for a water treatment system to remove arsenic in the city’s wells, another legacy of over-irrigation of west side soils.

Westlands has implied that more water would bring the land around Mendota back into production, but over a million acre feet of water in 2011 has not helped. Unemployment has actually increased since 2009. “Westlands needs to admit that the retired land has been poisoned, not taken out of production because of Endangered Species Act restrictions on Delta pumping.” said Krieger. Barbara Vlamis of AquAlliance in Chico said “They have created a huge toxic, salty mess on the west side, and that's a big reason why the land is fallowed and West side towns are suffering. They don’t need more water from the Sacramento Valley, they need less water. Sean Hannity was hoodwinked.”

Westlands' reported fallowed acreage:

2009: 156,000 acres	retired land (est.): 64%
2010: 123,000 acres	retired land (est.): 81%
2011: 125,000 acres (est.)	retired land (est.): 80%

Source: Westlands 2009 & 2010 crop reports, 2011 Annual Water Use and Supply

Unemployment in west side towns:

Mendota	April 2011: 42.7%	April 2009: 38.2%
Firebaugh:	April 2011: 28.8%	April 2009: 25.1%
Huron:	April 2011: 35.7%	April 2009: 31.5%
Tranquility:	April 2011: 19.5%	April 2009: 16.8%

Source: California Employment Development Department

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