

The Modesto Bee

OUR VIEW: Open those closed doors and let us see the water deal

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In September, when The Modesto Bee's editorial board asked Jeff Denham about the secret drought-relief negotiations going on in Congress, he objected, saying they weren't secret at all.

Not secret? Then they must be "top secret."

The only people who know the details around negotiations going on this week are those in the room – including people no one has elected. Westlands Water District general manager Tom Birmingham is said to be at the table, as are representatives of the vast Metropolitan Water District.

In these secret meetings, it appears the House and Senate are crafting parallel legislation under little-used rules that would allow it to be introduced, approved and signed into law by President Obama before anyone has time to look it over – much less object. And it could happen by Friday, according to McClatchy's Michael Doyle and The Fresno Bee's Mark Grossi.

We abhor such secrecy. There is no need for it. Everyone knows the depth of this drought and the despair it has caused. We want our federal government to act. But when representatives exclude the public, they create suspicion about whatever emerges from negotiations. Is there something so contentious that – if made public – it will torpedo the agreement?

Rep. Jeff Denham is involved along with fellow Republicans Devin Nunes and David Valadao; the only Democrat in the room is Jim Costa. From the Senate, both Dianne Feinstein and Barbara Boxer are involved. But Democrats who represent the Sacramento-San Joaquin Delta counties have been frozen out. Why?

Among Feinstein's top donors is billionaire Stewart Resnick. Though he lives in Beverly Hills, he is one of the state's largest farmers, growing everything from pistachios to pomegranates. Much of his land is in Westlands, and his trees are thirsty. We don't want to believe this deal is being written and rushed to the president's desk for the benefit of one or two politically powerful farmers – but such conclusions are easy to reach in a vacuum.

We especially don't want to believe that any of our legislators would agree to anything that would harm farmers in this region. If, for instance, the legislation proposes allowing more water to flow out of New Melones or San Luis reservoirs for immediate relief of

south Valley farmers, we would be adamantly opposed. If the deal relies on increased flows from the Tuolumne, Stanislaus and Merced rivers to backfill the Delta as water is siphoned south, we would expect our representatives – Denham, Costa and Jerry McNerney – to fight it.

Instead, we hope the conspirators are working on more forward-looking legislation. We imagine the federal response could:

- Provide funding to elevate federal dams such as Shasta or Sisk (San Luis Reservoir), creating more storage.
- Alter “wild and scenic” designation of some small stretches of rivers such as the Merced and Tuolumne so that dams owned by water districts such as Don Pedro and Exchequer can be elevated, inundating those stretches but creating more storage.
- Alter rules in federal facilities so that New Melones, for instance, can be managed for more storage.
- Loosen environmental rules so that more water could be diverted from the Sacramento-San Joaquin Delta – but only during declared emergencies.

Whatever is being proposed, legislators must know that any deal struck in secret will have detractors – and it should.

Our drought is very real and thousands of people will benefit from relief. While we would not countenance gutting all environmental protections, altering priorities long enough to get us through the worst of it is appropriate. Legislators shouldn't be fearful of sharing such a plan.

Trust us. We can keep a secret.

<http://www.modbee.com/opinion/editorials/article4007013.html>