

Watershed Grants Available for States, Tribes

To help preserve and restore the country's waterways, governors and tribal leaders are encouraged to apply for the second round of the U.S. Environmental Protection Agency's (EPA) watershed grants. In 2003, EPA selected 20 watershed organizations to receive grants averaging \$700,000 each. The organizations were chosen to receive the awards because their work plans were judged most likely to achieve environmental results in a relatively short time period. For 2004, EPA will again focus on approaches aimed at providing quick, measurable environmental results, partnerships, innovation, and program integration. In addition, this year more emphasis will be placed on market-based approaches and other socioeconomic strategies, as well as the serious and growing oxygen depletion problem facing the Gulf of Mexico.

Nominations by governors and tribal leaders for the grants competition are due to EPA on or before Jan. 15, 2004. Final selections will be announced in the spring.

For information about the Watershed Initiative, visit www.epa.gov/owow/watershed/initiative/.

Mine Waste Decision Reversed

On Oct. 11, 2003, *The Associated Press* (AP) reported that the U.S. Department of Interior (DOI) overturned a legal opinion formed during the Clinton administration that tightened regulation of mine waste on public lands. According to AP, DOI and the mining industry blamed the regulation for a significant drop in U.S. minerals exploration, mine development, and mining jobs since 1997.

The opinion stated that the 1872 Mining Law limits each 20-acre mining claim on federal land to a single five-acre waste site, reported AP. This had the effect of either reducing the amount of land a mining operation could use to dump waste – including cyanide and other chemicals used to separate ore from rock – or reducing the size of the mining operation

itself, according to the article.

AP reported that Assistant Secretary of the Interior for Land and Minerals Management Rebecca Watson stated that U.S. minerals exploration had dropped 57 percent and mine development declined 54 percent since the earlier opinion was issued, and with this reversal, increased exploration and development is expected. No other potential reasons for the decline, such as the drop in metal prices over that same time period, or diminished U.S. reserves, were mentioned in the article.

The new opinion by Deputy Solicitor Roderick Walston, signed by Interior Secretary Gale Norton, said that while individual mill sites with the waste are limited to five acres, there is no limit on the number of mill sites on any given 20-acre claim, according to AP.

The decision was cheered by the mining industry and its allies, but environmentalists were concerned that the move would allow gold mines and other large-scale hard rock mining operations to dump unlimited amounts of toxic waste on public lands, reported AP.

Draft California Water Plan Update Soon Available

The California Department of Water Resources (CDWR) is nearing completion of a draft *Update 2003* of the California Water Plan (Bulletin 160-2003). CDWR is required by California law to update the water plan every five years. *Update 2003* is the eighth edition, but the department took a new approach in the preparation and presentation of this version:

- An active advisory committee was formed, composed of nearly 70 people representing all parts of the state, environmental concerns, farmers, academics, water and irrigation districts, and cities and counties. The committee met about every six weeks and had significant input to the plan. Prior updates did not use advisory groups or relied on much smaller ones.
- The update was prepared as a strategic

plan or tool that can be used by planners. The advisory committee addressed questions such as: Where are we now? Where are we going? Where do we want to be? How do we get there? How do we measure our progress?

- *Update 2003* and future updates will describe all of the state's water uses and supplies in greater detail – not just developed water supplies as in the past.
- Previous updates presented two forecasts of water supplies and usage, one for average years and one for dry years. Now, planners consider multiple scenarios developed with the advisory committee, such as dramatic population growth, growth in rural areas, and the challenges of global climate change. In addition, data from actual wet, dry, and average years are used, rather than averaged water data as in the past.

Because preparation of this update was so different from prior versions, CDWR was unable to complete it by the deadline of Dec. 31, 2003. However, a stakeholder briefing draft was released in October 2003 and the public draft is scheduled for release in March 2004 for review and comment. The draft focuses on the state's water situation and makes policy recommendations for the future. By Dec. 31, 2004, the final *Update 2003* will be released. It will include revisions based on public input, and will document the validity and limitations of analytical tools or models that will be used in the third and final phase of production, in which model results will be published.

The final *Update 2003* will also include a list of about 25 assets or ways to use water more efficiently, conserve water, augment supplies, and protect the environment. The list includes such things as surface storage, water transfers, ecosystem restoration, and rainfed agriculture. Each asset or approach will be presented with its current and future implementation levels, associated costs, implementation challenges, and recommended ways to maximize regional implementation by 2030.

For more information or to view the stakeholder briefing draft, visit www.waterplan.water.ca.gov/b160/indexb160.html.

Quantification Settlement Agreement Finally Reached

From the California Governor's Office

On Sept. 29, 2003, California Governor Gray Davis signed legislation to provide the legal and financial underpinning for a historic and long-awaited agreement on sharing water from the Colorado River. The bills mark the end of decades of regional water conflicts along the Colorado River, stabilize California's overall water supply, and set the stage for an unprecedented effort to save the Salton Sea, an important refuge for wildlife and waterfowl, including several endangered species (see page 8).

Negotiations over the water sharing agreement, known as the Quantification Settlement Agreement (QSA), had fallen apart on Dec. 31, 2002. Failure to reach accord by that date cost California the immediate loss of some 800,000 acre-feet each year, enough water to supply the annual needs of close to two million households in Southern California. The QSA sets the terms of the water-sharing accord, the culmination of seven years of intensive negotiations between federal and state government officials and the San Diego, Coachella, Imperial, and Metropolitan water districts (see sidebar).

The need for the QSA stems from the fact that California has historically used 5.3 million acre-feet annually from the Colorado River, but is legally entitled to only 4.4 million acre-feet. The settlement means that California now will have 14 years – a so-called “soft landing” – to reduce its overdependence on the river, instead of an immediate “hard-landing” cut off. As California's dependence on water from the Colorado River is gradually reduced, the other Colorado basin states will be able to claim their legally entitled amounts of Colorado River water over the course of the 75-year agreement.

Critical components of the QSA include:

- Transfer of roughly 200,000 acre-feet per year of conserved agricultural water from Imperial Valley Water District, the state's largest consumer of Colorado River water,

The Quantification Settlement Agreement: 1995-2003

From the *North County Times* (San Diego Co.), Sept. 9, 2003 by Gig Conaughton, staff writer (reprinted with permission)

1995: San Diego County Water Authority (SDCWA) enters discussions with Imperial Irrigation District (IID) to buy billions of gallons of water freed from Imperial Valley farmers by conservation improvements. The county would get a reliable water source. Imperial Valley would get money to upgrade irrigation systems, water use, and protect water rights.

April 1998: Agencies reach transfer agreement. Imperial Valley farmers to sell up to 65 billion gallons of water a year to San Diego County residents for roughly \$50 million a year, for up to 75 years. The deal would be largest transfer of water from agricultural to urban use in U.S. history.

Jan. 2001: The transfer becomes the linchpin of a larger deal: California's promise to other Western states that it will gradually cut overuse of Colorado River by 2015. The link puts a Dec. 31, 2002 deadline on transfer.

Jan. 2002: A draft environmental impact report says the transfer would kill the Salton Sea, California's largest lake. The report suggests the deal be redone to include fallowing (pulling farm land out of production).

July 2002: IID threatens to kill the transfer, saying fallowing could mean economic devastation.

Oct. 2002: Water agencies reach a compromise after marathon negotiations to meet New Year's Eve deadline.

Dec. 2002: The IID board rejects the revised water transfer, fearing unseen Salton Sea costs. The deals miss federal deadline.

Jan. 2003: Feds slash Southern California and Irrigation District's Colorado River supply, saying the state can get water back by completing deals. IID sues feds.

Jan. 2003: California governor's office joins the negotiations.

March 2003: Governor's office announces it has brokered a new deal, comprised of 51 separate agreements among the four affected water agencies: SDCWA, IID, Coachella Valley Water District and Metropolitan Water District (MWD).

May 2003: The deal begins to evaporate. MWD hints it will withdraw support, says it will not pay for environmental mitigation and that money from Proposition 50, a \$3.44 billion state bond, should not be used for deals.

Aug. 2003: MWD rejects deals; closed-door negotiations erupt in anger, finger-pointing.

Sept. 2003: Deals resurrected when IID offers to sell even more water to raise money to pay for Salton Sea mitigation. The state also offers to pay all Salton Sea costs over \$163 million.

Oct. 2003: IID, by 3-2 vote, becomes the last of the four water agencies to formally approve the historic deals.

to the San Diego County Water Authority.

- Unprecedented market-based trade of additional conserved agricultural water to urban areas, with “profits” from the trade used to fund Salton Sea restoration.
- A precedent-setting “beneficiary pays” concept which for the first time obligates those who benefit from water programs to help pay for the cost, rather than the

general taxpayers.

- San Diego's assumption of responsibility for lining the American Canal, which will provide an additional 77,000 acre-feet of water each year for 110 years.
- An end to complex litigation and creation of a formal federal multistate agency.

Visit www.governor.ca.gov/.

ZymaX 805.544.4696
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¹⁵N of NO₃⁻, Inorganic ³⁷Cl, ²H + ¹⁸O in Groundwater
²H, ¹³C, ¹⁴C, ³⁴S of crude, Petroleum Fuels & Gases

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