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CALIFORNIA WATER RIGHTS

THE LABYRINTH

SACRAMENTO-SAN JOAQUIN RIVER DELTA A CHALLENGE FOR ALL WHO DEPEND ON IT



Tim Hearden/Capital Press

Sacramento-San Joaquin River Delta watermaster Michael George points out a more than 100-year-old tidal flap gate for capturing incoming tides. Antiquated equipment and facilities is one problem in the Delta.

By **TIM HEARDEN**
Capital Press

STOCKTON, Calif. — Michael George often finds himself in the middle of political firestorms. It's part of his job.

As the state-appointed watermaster for the Sacramento-San Joaquin River Delta, George serves as a water rights referee for between 1,500 and 2,000 water diversions each year. Operating in an area about the size of Rhode Island, many of the landowners have the state's oldest water rights, and they can move their diversion points, further complicating George's job.

With the many demands on its water blamed for the Delta's crippling environmental degradation, the area is rife with political infighting and disputes, the most notable of which is a pitched debate over the project called the California WaterFix, Gov. Jerry Brown's proposed tunnel bypass for the Delta that is estimated to cost as much as \$18 billion.

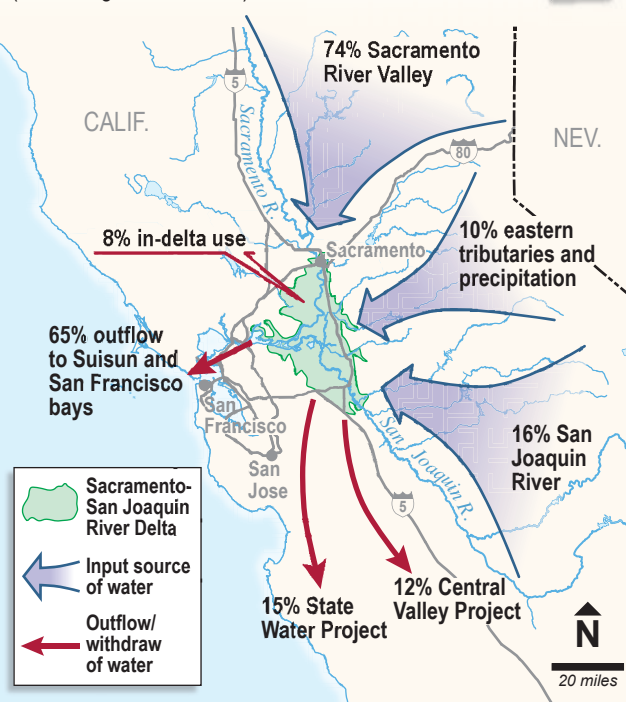
"The Delta is always changing," said George, a 20-year water rights attorney who was named to the position in late 2014 by the State Water Resources Control Board and Delta Stewardship Council.

George makes it a point to understand all sides, but sometimes he must make unpopular decisions, as when he recommended last summer that the Byron-Bethany Irrigation District near Tracy be sanctioned for taking too much water and drew criticism from some that the powerful water board was picking on smaller districts. The proposed \$1.5 million fine is still pending before the water board.

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Water exchange through the Sacramento and San Joaquin Delta

(Percentages as of 2006.)



Source: California Legislative Analyst's Office

Alan Kenaga/Capital Press

Judge strikes down GMO ban in rural Oregon county

Josephine County GMO ordinance is pre-empted by state law, judge rules

By **MATEUSZ PERKOWSKI**
Capital Press

The prohibition against genetically engineered crops in Oregon's Josephine County has been struck down by a judge who ruled the ordinance is pre-empted by state law.

Voters in the county approved the ban on genetically modified organisms, or GMOs, in 2014 even though state lawmakers disallowed local governments from regulating the crops the prior year.

Proponents of the GMO ban claimed that the state pre-emption was unconstitutional, but Josephine County Circuit Court Judge Pat Wolke has rejected that argument and held the county ordinance to be invalid.

"The state law says that the localities may not legislate in this area; and the voters of Josephine County have attempted to legislate in the exact same area. It is impossible to read the two enactments in harmony; so that the local ordinance must give way," Wolke said in the May 16 ruling.

Farmers Robert and Shelley Ann White challenged the legality of the GMO ordinance last year, arguing it had prevented them from planting biotech sugar beets on 100 acres of leased property.

During oral arguments in April, much of the debate focused on whether the Whites had legal standing to file the case.

Supporters of the GMO ban called them "hobby farmers" who filed a "manufactured lawsuit" on behalf of agribusiness lobbyists and didn't have a valid lease to the 100 acres or a contract to grow biotech sugar beets.

Oregonians for Safe Farms and Families, a nonprofit, and Siskiyou Seeds, an organic seed producer, had intervened to defend the ordinance after the county government took a neutral position in the litigation.

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Mateusz Perkowski/For the Capital Press

Josephine County's ban on genetically engineered crops was struck down by Circuit Court Judge Pat Wolke on May 16. Oral arguments in the case were held in April at the Josephine County courthouse.

EPA water quantity report worries farm groups

Agency lays out legal justification for regulating water quantity

By **MATEUSZ PERKOWSKI**
Capital Bureau

Agriculture groups are nervous that a "technical report" released by the U.S. Environmental Protection Agency will be used to justify new federal controls over water usage.

The EPA claims its report — "Protecting Aquatic Life from Effects of Hydrologic Alteration" — is meant to provide state regulators with "technical support" about the impact of water management on the health of rivers and streams.

However, farm groups worry it's intended to make the case for expanding the Clean Water Act's scope beyond regulating water quality, to include water quantity as well.

"It's a back door way of achieving something Congress

didn't give the EPA the authority to do," said Don Parrish, senior director of regulatory relations for the American Farm Bureau Federation.

The Farm Bureau and several other agricultural organizations have sent the agency a letter stating the report isn't limited to technical discussions but also "advances legal justifications

for regulating flows under the Clean Water Act.

The EPA's decision to subject the "technical report" to public notice-and-comment procedures, with submissions due June 17, reinforces the notion that it will have regulatory impacts, said Karen Budd-Falen,

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