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California Water Resources Oral History Series

Richard K. Golb

PASSAGE OF THE CENTRAL VALLEY PROJECT IMPROVEMENT ACT, 1991-1992:
THE ROLE OF JOHN SEYMOUR

Interview Conducted by
Malca Chall
in 1996

Since 1954 the Regional Oral History Office has been interviewing leading participants in or well-placed witnesses to major events in the development of Northern California, the West, and the Nation. Oral history is a method of collecting historical information through tape-recorded interviews between a narrator with firsthand knowledge of historically significant events and a well-informed interviewer, with the goal of preserving substantive additions to the historical record. The tape recording is transcribed, lightly edited for continuity and clarity, and reviewed by the interviewee. The corrected manuscript is indexed, bound with photographs and illustrative materials, and placed in The Bancroft Library at the University of California, Berkeley, and in other research collections for scholarly use. Because it is primary material, oral history is not intended to present the final, verified, or complete narrative of events. It is a spoken account, offered by the interviewee in response to questioning, and as such it is reflective, partisan, deeply involved, and irreplaceable.

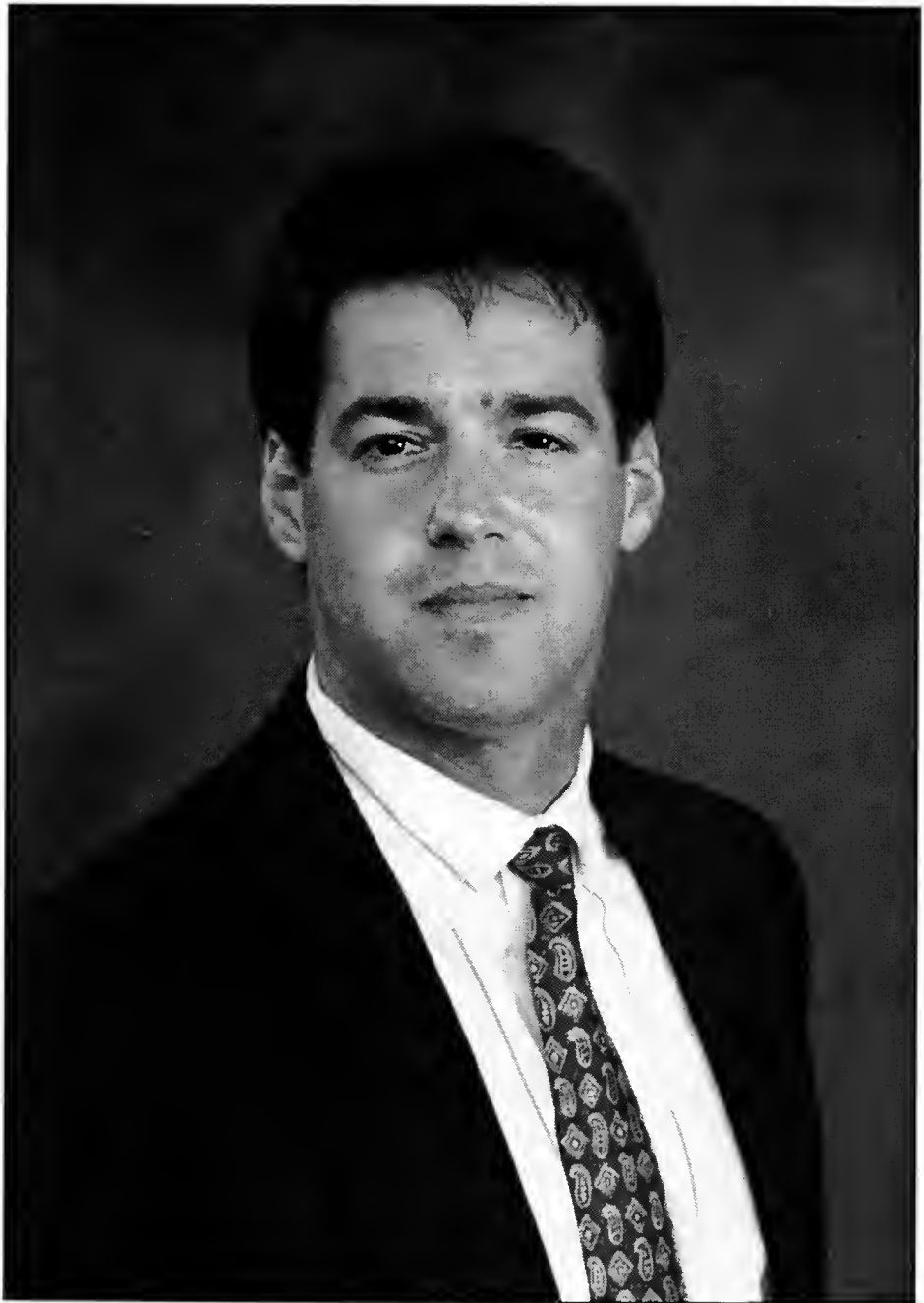
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Senator Seymour staff

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Interviewed 1996 by Malca Chall for the California Water Resources Oral History Series. Regional Oral History Office, The Bancroft Library, University of California, Berkeley.

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PREFACE

The Water Resources Center of the University of California, in 1965, established a History of California Water Resources Development Oral History Series, to be carried out by the oral history offices at the Los Angeles and Berkeley campuses. The basic purpose of the program was "to document historical developments in California's water resources by means of tape recorded interviews with men who have played a prominent role in this field." The concern of those who drafted the program was that while the published material on California water resources described engineering and economic aspects of specific water projects, little dealt with concepts, evolution of plans, and relationships between and among the various interested federal, state, and local agencies.

To bridge this information gap, the Water Resources Center, during the past quarter century under the successive direction of Professors Arthur F. Pillsbury, J. Herbert Snyder, and Henry Vaux, Jr., has provided funding in full or in part for interviews with men who have been observers and participants in significant aspects of water resources development. Early advisors to the project on the Berkeley campus were Professors J. W. Johnson and David K. Todd. Gerald Giefer, librarian of the Water Resources Center Archives, Berkeley, has maintained an important advisory role in the project.

Interviewees in the Berkeley series have been pioneers in western water irrigation, in the planning and development of the Central Valley and California State Water Projects, in the administration of the Department of Water Resources, and in the pioneering work of the field of sanitary engineering. Some have been active in the formation of the San Francisco Bay Conservation and Development Commission; others have developed seminal theories on soil erosion and soil science. But in all cases, these men have been deeply concerned with water resources in California.

Their oral histories provide unique background into the history of water resources development and are valuable assets to students interested in understanding the past and in developing theories for future use of this essential, controversial, and threatened commodity--water.

Henry J. Vaux, Jr., Director
Water Resources Center

January 1989
University of California, Riverside

SERIES LIST

January 1997

The following Regional Oral History Office interviews of have been funded in whole or in part by The Water Resources Center, University of California.

- Banks, Harvey (b. 1910)
California Water Project, 1955-1961. 1967, 82 pp.
- Beard, Daniel P. (b. 1943)
Passage of the Central Valley Project Improvement Act, 1991-1992: The Role of George Miller. 1996, 67 pp.
- Gianelli, William R. (b. 1919)
The California State Department of Water Resources, 1967-1973. 1985, 86 pp.
- Gillespie, Chester G. (1884-1971)
Origins and Early Years of the Bureau of Sanitary Engineering. 1971, 39 pp.
- Golb, Richard K. (b. 1962)
The Passage of the Central Valley Project Improvement Act, 1991-1992: The Role of John Seymour. 1997, 107 pp.
- Graff, Thomas J. (b. 1944) and David R. Yardas (b. 1956)
The Passage of the Central Valley Project Improvement Act, 1991-1992: Environmental Defense Fund Perspective. 1996, 133 pp.
- Harding, Sidney T. (1883-1969)
A Life in Western Water Development. 1967, 524 pp.
- Jenny, Hans (1899-1992)
Soil Scientist, Teacher, and Scholar. 1989, 364 pp.
- Langelier, Wilfred F. (1886-1981)
Teaching, Research, and Consultation in Water Purification and Sewage Treatment, University of California at Berkeley, 1916-1955. 1982, 81 pp.
- Leedom, Sam R. (1896-1971)
California Water Development, 1930-1955. 1967, 83 pp.
- Leopold, Luna B. (b. 1915)
Hydrology, Geomorphology, and Environmental Policy: U.S. Geological Survey, 1950-1972, and UC Berkeley, 1972-1987. 1993, 309 pp.

Lowdermilk, Walter Clay (1888-1974)

Soil, Forest, and Water Conservation and Reclamation in China, Israel, Africa, and The United States. 1969, 704 pp. (Two volumes)

McGaughey, Percy H. (1904-1975)

The Sanitary Engineering Research Laboratory: Administration, Research, and Consultation, 1950-1972. 1974, 259 pp.

Nelson, Barry (b. 1959)

The Passage of the Central Valley Project Improvement Act, 1991-1992: Executive Director, Save San Francisco Bay Association. 1994, 88 pp.

Peltier, Jason (b. 1955)

The Passage of the Central Valley Project Improvement Act, 1991-1992: Manager, Central Valley Project Water Association. 1994, 84 pp.

Robie, Ronald B. (b. 1937)

The California State Department of Water Resources, 1975-1983. 1989, 97 pp.

The San Francisco Bay Conservation and Development Commission, 1964-1973.

Interviews with Joseph E. Bodovitz, Melvin Lane, and E. Clement Shute. 1986, 98 pp.

For other California water-related interviews see California Water Resources list.

INTERVIEW HISTORY

Richard Golb, executive director of the Northern California Water Association, learned about California water policies and politics the hard way. A young, recent postgraduate student, with limited experience on a Senate staff, he was, in March, 1991, appointed legislative assistant to California Senator John Seymour. Assigned to the Senate Committees on Agriculture, and Energy and Natural Resources, he spent most of his time during the ensuing two years dealing with the contentious issues and debates involving the Central Valley Project Improvement Act.

John Seymour, a moderate Republican, with a background in local politics and eight and one-half years in the California Senate, began his U.S. Senate term in January, 1991, when he was appointed to fill out the term of California's newly elected Governor Pete Wilson.

Thus both John Seymour and Richard Golb arrived in the Senate in early 1991 just as the debate over the CVPIA came into focus. It remained for them the center of attention until October 30, 1992, when a reluctant President George Bush signed it into law as Chapter XXXIV of the Omnibus Water Act.¹ Debate began in early 1991 when New Jersey Senator Bill Bradley (D) and California Congressman George Miller (D) each submitted bills designed to reform the Central Valley Project. Although originally differing in details, the Miller and Bradley bills, through redrafts and amendments, gradually came close enough to be referred to as the Miller-Bradley bills which were backed by the environmental community and major business interests.

The alternative to Miller-Bradley, favored by the agriculture community which helped draft it, was introduced by Senator Seymour in November, 1991, and henceforth tagged the Seymour bill.

In his oral history, Richard Golb has fleshed out the history of the Seymour bill and the senator's unsuccessful attempts to negotiate a less onerous reform measure by compromising the demands of both the environmental and agriculture communities. According to the environmental community, Seymour refused to negotiate. Golb offers a different story: a portrait of a senator who did want to compromise, who did offer amendments, and who did try to move, albeit in small steps, an agriculture community beset by internal factions.

¹Public Law 102-575, October 30, 1992: Reclamation Projects Authorization and Adjustment Act of 1992, pp. 4600-4769.

Golb explains how and why the Miller and the Bradley bills differed, the background of the Central Valley's distrust of George Miller, and how the environmental community politicized the CVP reform debate. He explains the reason why the Seymour bill, not the Bradley bill, passed the Senate, but lost in the conference committee as Senator Seymour expected it would. "A slam dunk", according to the weary senator, at that time also campaigning to retain his seat in the Senate.

Senator Seymour's filibuster, commended by some of his peers, according to Golb, and his offer of a new and revised bill in the waning hours of the session, could not thwart the passage of the CVPIA. Always a prime threat to the Seymour bill and a major factor in its defeat was the Omnibus Water Act which tied some dozen western water projects to Central Valley Project reform. In the end, congressmen from these states abandoned their former California allies in favor of their projects, for many years held hostage by Congressman Miller to the passage of CVP reform.

The three and one-half hour interview with Richard Golb took place in Sacramento in the conference room of the Northern California Water Association on May 3, 1996. Mr. Golb and I first met by phone in 1993. He called to introduce himself after he heard that I was conducting interviews on the CVPIA with Jason Peltier and Barry Nelson. He said that he had worked with Senator John Seymour and would like to tell their side of the story. He also told me that he had kept a daily log and had a trunk full of papers which might be useful. Although at that time I had no funds for his interview, I wanted to see his source material. So twice during the following three years I spent time in his office perusing the relevant papers and those segments of his journal pertaining to the CVPIA.

In 1995 funds became available for this long-desired interview, but it was not until 1996 that our schedules meshed. In the meantime, I had added interviews with Thomas Graff and David Yargas of the Environmental Defense Fund who explored the history of the Bradley bill, and with Daniel Beard, longtime staff director for George Miller, who highlighted George Miller and the Miller bills. The time had come to add John Seymour to the history of the CVPIA.

With the aid of his journal (which remains his personal property), his valuable collection of bills, memoranda, correspondence (copies of which he has made available for the oral history volume and the Water Resources Archives), and his clear recollections of those two hectic years, Richard Golb has provided an account of John Seymour's essential link to the passage of the CVPIA. He carefully checked the lightly edited transcript to ensure its accuracy. Knowing that California water policy is never finished, he states succinctly, "Just because President Bush signed the CVPIA that hasn't ended the debate."

Again I want to thank Don Erman, director of the Centers for Water and Wildland Resources, for enabling the completion of this series on the

Central Valley Project Improvement Act. It is hoped that this and the preceding five interviews on the CVPIA will provide historians and water policy buffs with useful clues and insights into this major transition in California water policy history.

The Regional Oral History Office was established in 1954 to augment through tape-recorded memoirs the Library's materials on the history of California and the West. Copies of all interviews are available for research use in The Bancroft Library and in the UCLA Department of Special Collections. The office is under the direction of Willa K. Baum, and is an administrative division of The Bancroft Library of the University of California, Berkeley.

Malca Chall
Interviewer/Editor

January 1997
Regional Oral History Office
The Bancroft Library
University of California, Berkeley

BIOGRAPHICAL INFORMATION

(Please write clearly. Use black ink.)

Your full name Richard Kevin Goldberg

Date of birth 10-10-62 Birthplace Hollywood, California

Father's full name Richard Marbouine Goldberg

Occupation Retired Birthplace Illinois

Mother's full name Lisa Marie Mitchell

Occupation _____ Birthplace New Jersey

Your spouse Gigi Bridges Goldberg

Occupation Advertising Executive Birthplace Oregon

Your children _____

Where did you grow up? Los Angeles, California / Phoenix Arizona

Present community Sacramento, California

Education Arizona State University (BA), Columbia University (MEd)

Occupation(s) Executive Director, Northern California Hotel Association

Areas of expertise Western Hotel / Revenue issues

Other interests or activities INTERNATIONAL TRADE, FOREIGN RELATIONS

Organizations in which you are active _____

I BACKGROUND OF SENATOR JOHN SEYMOUR'S BILL AND THE MOVE INTO THE
CENTRAL VALLEY PROJECT IMPROVEMENT ACT DEBATE

[Date of Interview: May 3, 1996]##¹

Richard Golb: Executive Director, Northern California Water
Association

Chall: I wanted to get some idea about your background so that we can understand how you got to this position as executive director of the Northern California Water Association.

Golb: We're a 501(c)(6), which is a nonprofit corporation.

Our organization was formed in 1991--prior to my arrival here --by landowners and farmers in the Sacramento Valley who wanted an organization that was regional. There's a lot of water organizations in California, but the Sacramento Valley felt that they were being overlooked: overlooked in the CVP [Central Valley Project] debate, overlooked in water transfer legislation that was occurring in 1990 and '91. So they felt that they needed an organization that solely focused on agricultural water suppliers in the Sacramento Valley.

They're doing some really progressive things, and they wanted some help, they wanted some coalition efforts, they wanted to all come together in a unified voice. So the organization was formed. They hired an executive director, and there was a difference in opinion--

Chall: Who was that executive director?

¹This symbol (##) indicates that a tape or tape segment has begun or ended. A guide to the tapes follows the transcript.

Golb: His name was Kip Solinsky [spells].

Chall: Are these primarily rice growers? What else besides rice?

Golb: A lot of crops are grown in the Sacramento Valley. Rice is the predominant crop. Tomatoes, melons, all kinds of row crops, there's a lot of orchards, peaches, prunes.

Chall: These growers receive CVP water?

Golb: Most of our members are senior water rights holders that have pre-1914 water rights and riparian rights on the Sacramento River, the Feather River, and the Yuba.

Chall: I see. That's the basic difference between them and the other folks.

Golb: That's right. Their water rights and water supplies are very valuable.

Chall: Valuable, but they have different kinds of rights.

Golb: That's correct.

Chall: Are these what are known as "exchange rights"?

Golb: Similar. Most of these are called settlement contractors, in terms of on the Sacramento River. We represent fifty-two individual water companies, water agencies, and individual farmers that irrigate about 750,000 acres of land. Much of the acreage we represent is irrigated with settlement water supplies.

Chall: There are fifty-two agencies or water rights people in this organization.

Golb: That's right.

Chall: Who are your representatives primarily in the [California] assembly and in Congress?

Golb: In the state legislature, it's Tom Woods and Bernie Richter. They're both in the assembly. The senators that represent most of the district are Maurice Johannessen and Tim Leslie, although there are other members of the legislature that are pretty close to what we do and follow it pretty closely. There's a certain affinity for what a lot of farmers in the Sacramento Valley have accomplished in the last ten or fifteen years.

And then at the federal level, in Congress of course, it's Vic Fazio and Wally Herger that represent most of the acreage our members irrigate.

Chall: And you are the executive director since 19--

Golb: Since September of 1993.

Chall: That was after the election, of course. What did you do in the interim after you left Senator [John] Seymour?

Golb: You know, I kind of look at it as though I was displaced. It's one way to look at it, in the election of '92. Which is something we'll have to talk about later.

After Senator Seymour was defeated, Governor Wilson appointed me as a deputy director for policy and planning at California's Department of Food and Agriculture. I was there for nine months.

Chall: Well, that was a good learning experience.

Golb: It certainly was.

Staff Position with Senator Thad Cochran

Chall: What's your background in education that got you onto Senator Seymour's staff and then into this job?

Golb: Well, I have a bachelor's degree in communication from Arizona State University in Tempe, Arizona [December 1985]. I have a master's degree in international relations from Columbia University in New York [October 1989]. I was particularly focused on trade and international economics when I came out of graduate school, went to Washington, D.C., and those jobs--for example, on the Senate Foreign Relations Committee or being a foreign affairs advisor, or a legislative assistant to a U.S. Senator--are very difficult to get. Most of the people who hold those jobs have a tremendous amount of experience, either in the military or in academics. And right out of graduate school, it was difficult for me to compete with them. Ultimately I did get offered a job in Senator Thad Cochran's office.

Senator Cochran is the senior senator from the state of Mississippi who's been in Washington since the mid-seventies. He's a very able, very well-respected senator--well-respected by both Democrats and Republicans. And they had a job available in their

office. They couldn't find anybody from Mississippi, and I happened to show up on the doorstep. They put me through probably the most extensive interview process I've been through. I was waiting tables at night at the Restaurant America at Union Station. I was privileged to get that job; those positions are very difficult to get. So I was very fortunate and started working on agricultural issues [October 1989].

Legislative Assistant to Senator John Seymour

Golb: After Governor [Pete] Wilson won the gubernatorial race against Dianne Feinstein in 1990, Senator Seymour was appointed to fulfill the remainder of Governor Wilson's term in the Senate. Most of Governor Wilson's staff that had worked on agriculture and resource issues knew me. They liked me because I was a guy from California working for a Mississippi senator. That doesn't happen a lot; Senate offices tend to hire people from their own state.

So I had known and worked with many of Governor Wilson's staff, and they thought I would be a good candidate to work for Senator Seymour. So when Senator Seymour was appointed, I went through an interview process and was hired. My first day on the job was March 18, 1991. You've recognized that date because that was the date of the hearing in Los Angeles on S. 484.

Chall: You did grow up in California?

Golb: Pretty much. I lived in southern California, in Van Nuys, through elementary school and started junior school. Then our family moved out of state, and we moved all across the U.S. Lived in Minnesota, upstate New York, Arizona, Texas.

Chall: You considered yourself a Californian then to some degree? Or it didn't matter.

Golb: Well, it matters. Much of my family is still here in California. My sister and father are in Los Angeles, and I have a lot of relatives in Costa Mesa and Santa Barbara and throughout the state. So I do consider myself a Californian with a lot of other state experience.

Chall: Now we have you in Senator Seymour's office on March 18. What kind of duties were you assigned at that time?

Golb: I was hired as a legislative assistant, which as you are aware is a staff person that has responsibility for various issues or

committees. In this case, I was assigned two committees that Senator Seymour served on: the Senate Agriculture Committee and the Senate Energy and Natural Resources Committee. It's a lot of work and is unusual that one legislative assistant would handle two committees, but in this case that's the way it was, and it was a wonderful opportunity for me to have that kind of privilege to work two committees and be involved in a lot of different legislation.

Chall: Did water take up most of your time eventually?

Golb: Eventually it became the dominant issue even though I still had a lot of other responsibilities. The Senate Agriculture Committee passed several bills, there were hearings, there were appointments --President Bush appointed a new deputy secretary of agriculture and a new secretary of agriculture during my tenure as well as other positions in the department. Those all require Senate confirmation, so there are lengthy confirmation hearings. There was some legislation on dairy issues as well as a technical corrections bill to the 1990 farm bill. So there was a fair amount of activity in the Senate Agriculture Committee.

At the time, we were in the midst of NAFTA, the North American Free Trade Agreement. We had a lot of problems at that time during those two years with Mexico in terms of imports and exports of fresh fruits and vegetables. In addition, of course, we had our trade negotiators overseas trying to finalize GATT, the General Agreement on Tariffs and Trade. So we were heavily involved, and a lot of my time initially was involved in a lot of agricultural issues to which Senator Seymour played at times a major role on some issues and at other times less of a role. But the water issues on the Senate Energy and Natural Resources Committee--and particularly the Central Valley Project Improvement Act [CVPIA]--began to dominate not only my time but Senator Seymour's time.

Senator Seymour's Background

Chall: How much background did Senator Seymour have on water issues in California?

Golb: Surprisingly more so than a lot of people initially gave him credit. He had been a local mayor; he was the mayor of Anaheim and was involved in the typical issues that a mayor is involved in which include water treatment facilities, water transportation facilities. He had been involved in real estate and had been involved in many office buildings and apartment buildings and other real estate ventures, so he was familiar with it at that level.

Then when he came to the [California] legislature, of course the legislature had considered a number of water bills that he played a role in, to a certain extent. So he had a lot more knowledge than the average Californian might about water issues in the state.

Chall: In an article in the California Journal shortly after Senator Seymour was appointed, the author, Jeff Weir, said that when he was appointed the Republican conservatives opposed him.¹ That was primarily on abortion issues. The conventional wisdom was that Seymour would be defeated by the Democrats in 1992. I wondered whether that was a problem to him all the way through in his campaigns--trying to appease conservatives. I'm not sure of that, but that was said at the beginning of his term.

Golb: Jeff Weir was an optimist. He was an optimist because he came to work for Senator Seymour shortly after Senator Seymour was appointed and became his California press secretary. He served throughout and was equally displaced like I and others in December of '92. So he was an optimistic guy who made a prediction which came true.

Senator Seymour, like Governor Wilson, is a moderate. He's a moderate Republican. He was pro-choice, and he had actually supported more environmental provisions than most people gave him credit for. He secured a provision in an energy bill that was also tied closely to the water bill: a ban on offshore oil drilling off the coast of California into the next century. He had done a lot of other things too, but they weren't widely acclaimed, they weren't picked up by the newspapers or the media. And they were basically overlooked by much of the environmental community who didn't want to give him credit and who were supporting Senator Feinstein.

I'm not aware of Senator Seymour trying to appease conservatives on the issues that I was responsible for, primarily agricultural and water issues. I didn't see a philosophical difference in his perspective or his positioning on those issues. In fact, he was consistent--his initial position on CVPIA was fairly consistent all the way through to the end. His views became more focused and sharper, his knowledge increased tremendously, his grasp of the technical matters grew, but through to the end his initial position was pretty much consistent.

In fact, it's probably easy for me to argue that had he wanted to take a more crass or political position, it would have been

¹Jeff Weir, "Seymour for the Senate," California Journal, February 1991, p. 57.

extremely easy, it would have been more lucrative in terms of fundraising, and it probably would have gathered more votes for him in the election. But he chose, I think, not to do that because he came up with a position, based upon the initial hearings. And I have to admit I didn't help him develop his initial position; all we did was refine it.

Chall: By the time you came along, the Bradley bill [S. 484] had already been introduced--February 1991--and the Miller bill, H.R. 1306, had been introduced March 6. There had been some drafts of [Senate bill] 2016 already written.

Early Drafts of Senator Seymour's Bill S. 2016

Golb: That's correct; 2016 was introduced on November 21 of '91.

Chall: Prior to that there were quite a number of drafts written.

Golb: Well, there were a number of drafts--

Chall: Because I have them dated May 21, '91; June 19; and September 5. There might have been others in between. Then S. 2016 was introduced on November 21. The earlier ones, I think, had been drafted by [Stuart] Somach, probably, and [David] Schuster. I don't know who wrote the last one. So some of these bills were not written by Senator Seymour.

Golb: You need to go back a little bit further. In March of '91, Senator Seymour introduced a bill that was S. 728. The title of that bill was the Upper Sacramento River Fisheries Restoration Act. That bill contained a number of provisions in it to resolve fishery issues on the upper Sacramento River. And that grew out of a local effort--in the late eighties, early nineties. As the fishery problems began to increase in California, local fishermen, sport fishermen, commercial fishermen, as well as others that were interested in the watershed, came together and identified a number of projects needed to be undertaken to protect and restore the fishery. So Senator Seymour took those provisions that came out of that local effort and introduced that as a bill in March of '91. That bill was a genesis for a lot of the specific provisions that were included in 2016, that was introduced later in November of that year.

November 21, 1991

CONGRESSIONAL RECORD — SENATE

S 17465

relief or resupply, they held Corregidor and the Manila Bay against battle-hardened troops and constant bombardment until April of 1942. After over 4 months of savage fighting and impossible deprivations, these American heroes, were turned over to ruthless captors and forced to endure the atrocities of the infamous Bataan death march. The courage, vigilance, and loyalty displayed by the defenders of Bataan will live forever in the annals of American military history.

As a result of this action, all U.S. Army personnel at Bataan were awarded the Bronze Star. However, the over 3,000 sailors, and marines who fought with the same tenacity and suffered the same terrible fate of the Bataan death march were not awarded the Bronze Star. I believe that the fact that these Americans were in another branch of the service should not deny them the same recognition and honor that their Army counterparts received. The American heroes of the United States Naval Service deserve that recognition and that honor. In my view, that honor is long overdue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AWARD OF THE BRONZE STAR TO NAVY AND MARINE CORPS PERSONNEL WHO SERVED ON CORREGIDOR, THE PHILIPPINES, UNDER GENERAL WAINWRIGHT.

(a) FINDINGS.—Congress finds:

(1) United States Army personnel under the command of General Jonathan Wainwright who fought in and were captured during the defense of Corregidor Island, the Philippines, at the outbreak of World War II were awarded the bronze star.

(2) Approximately 3,000 United States Navy and Marine Corps personnel, serving in various units under the overall command of General Wainwright, fought in the defense of Corregidor Island.

(3) These Navy and Marine Corps personnel were not awarded the bronze star pursuant to Navy policy not to award medals for gallantry to all personnel in a unit.

(4) The Navy and Marine Corps personnel demonstrated courage, endurance, and intrepidity in battle and in suffering the privations of battle, capture and internment after capture that was every bit exemplary as their Army counterparts.

(5) An award of the bronze star medal to Navy and Marine Corps personnel who served under General Wainwright in the defense of Corregidor Island provides appropriate recognition of and honor for the courage, endurance, and intrepidity of such personnel.

(b) AWARD OF BRONZE STAR MEDAL.—The President is urged and requested to require that the Secretary of an appropriate military department award the bronze star medal to each member of the United States Navy or Marine Corps who served under General Jonathan Wainwright during the defense of Corregidor Island, the Philippines, during World War II.

By Mr. SEYMOUR:

S. 2016. A bill to protect, restore, and enhance fish, and wildlife habitat within the central valley of California, mitigate Central Valley project impacts in order to maintain the continued orderly operation of the Central Valley project, and for other purposes; to the Committee on Energy and Natural Resources.

CENTRAL VALLEY PROJECT FISH AND WILDLIFE ACT OF 1991

Mr. SEYMOUR. Mr. President, I rise today to introduce the Central Valley Project Fish and Wildlife Act of 1991.

Mr. President, this bill is a beginning. It is a bill written in, by and for Californians. It is the product of California groups; urban, agricultural, conservation interests all working together to develop legislation to address the fish and wildlife needs in the Central Valley. This is a first step in an attempt to resolve the water dilemma which has torn at the State of California for decades.

Specifically, this bill provides a mechanism for water transfers from agricultural use to urban and environmental uses. It includes actions for the restoration of fish and wildlife, and mandates firm water supplies for the wildlife refuges and fishery habitat. And it preserves the agricultural economy which is so vital to our state.

For the record, my position on Central Valley project legislation has been clear from the very beginning. I have strongly opposed a federally mandated reallocation of California State water, and I will continue to oppose any Federal legislation which dictates how a State will use or allocate water within its borders. Since the first hearing on Senator Bradley's bill, S.484, in Los Angeles on March 18, I have opposed any Federal reallocation of California water. In my remarks at that hearing, I stated that the political will of the citizens of the State of California should not be substituted by the wisdom of the Potomac. I said then and still do have faith in the people of California to resolve our problems. This bill is a step in that direction.

I advocate consensus rather than advancing a particular bottom line or specific view or position. This bill allows flexibility for the people of California to work together to improve upon this legislation with one simple objective. The objective is balance.

California is growing at an estimated rate of 700,000 people a year. Imagine a city the size of San Francisco. This is California's annual growth. The demands upon the natural resources in California will only continue to increase as our population grows. If California is to ever clear this hurdle which threatens both our economy and the quality of life for our citizens, we must balance the often competing needs of our cities and rural communities with our limited natural resources. I do not believe that commerce and conservation are incompatible.

I believe that we must balance the quality of life for our citizens. We must balance the often competing needs of cities and rural communities. And in ensuring that commerce and conservation are not incompatible, there is going to be sacrifice and difficult decisions lie ahead of us, but working together, we will resolve the water dilemma which has polarized our State for so long.

Having attended all four hearings on CVP legislation, it is clear to this Senator that any CVP legislation that properly addresses fish and wildlife problems, can only result from compromise, cooperation, and consensus. Therefore, the only condition that I attach to this bill is simple. Californians must make the decisions that will shape this bill. As it will be Californians who will make the difficult decisions regarding water policy in my State, it will be Californians who must make these sacrifices.

This bill will provide firm supplies of water for fish and for wildlife. It will result in the transfer of water from agricultural use to thirsty cities such as Los Angeles and it will begin to bring about the restoration of the environment. Are these not long-term water policy solutions?

This bill is the beginning of a responsible and equitable solution. I am willing to consider any ideas from Californians on how to improve it. I am specifically interested in several areas. Today I will be calling various members of several conservation groups, such as the California Chapters of Ducks Unlimited and The Nature Conservancy, and agricultural organizations in California, to request their continued participation in developing a solution, as well as to discuss delivering much-needed water to rice land in the winter for duck habitat.

This can provide off-stream storage, as well as provide substantial benefit to wintering waterfowl who rest and feed as they make their way south through the Pacific Flyway.

I will also request their input on the potential benefit and feasibility of incorporating fallowed and set-aside land into dryland habitat for wildlife benefits. I will also speak with fishing interests to seek their input on specific ideas and recommendations to begin to restore the north coast and river fisheries. This bill includes several provisions such as the rehabilitation of the Coleman National fish hatchery, the installation of a temperature control device at Shasta Dam, and a program for the replenishing of river gravels for spawning. While these projects will help restore the fisheries, I realize that any restoration will not be complete without increased supplies of water.

This bill recognizes the importance of stabilizing and augmenting river flows to restore, and if possible, enhance the natural production of anadromous fish. The economic and asthe-

tic importance of salmon and steelhead runs, striped bass, and other fisheries along the north coast of California and in the rivers and streams are vital to our State, as well as to the States of Oregon and Washington. In March of this year, I introduced S. 728, the Upper Sacramento River Fishery Resources Restoration Act. Many of the requirements contained in that bill, including mandated in-stream flow requirements, have been embodied in this bill. The Secretary of the Interior is directed to work with the State of California in establishing desirable flows in the rivers and streams below project dams. Once established, these flows will become a firm requirement of the Central Valley project.

In addition, the bill immediately commits water to the wildlife refuges in the central valley and then increases the supplies to be made available to these important wildlife and waterfowl areas. Upon enactment of this legislation, the Secretary of the Interior will begin the immediate delivery of more than 380,000 acre-feet of firm water supplies to the 15 National Wildlife Refuges and Wildlife Management Areas in the central valley. The wetlands and associated habitat are important to several threatened and endangered species such as the American peregrine falcon, bald eagle, Aleutian Canada goose, and San Joaquin kit fox, and support a winter population of nearly 6 million waterfowl. Sixty percent of the ducks, geese, swans, and millions of shore birds of the Pacific Flyway crowd the existing acres. The bill directs, by the turn of the century, the Secretary of the Interior to increase the water supply to over 525,000 acre-feet. This has been identified by the Secretary of the Interior as the amount needed to fully manage all lands within the existing refuge boundaries.

I am committed to making such water supplies to the refuges and to fish a requirement of the Central Valley project.

Growth in California's urban areas is causing an increasing strain on the State's developed water supplies. It is no secret that agriculture accounts for a significant amount of the water deliveries in California. This bill provides a mechanism for voluntary transfers of water from agricultural users to urban users. Water may be transferred from a Central Valley project water contractor to any water user in the State. Limits are placed on the quantity that may be transferred out of an area so as to protect local ground water and environmental resources and to protect the economies of rural farming communities dependent on water for agricultural production. Such transfers will be consistent with California State water and environmental laws. The water which will be available for transfer includes water resulting from programs involving the conjunctive use of surface and ground

water supplies, water conservation programs, and temporary or permanent land fallowing. The transfer provision in this bill is the result of long and difficult negotiations between agriculture and urban users. This accomplishment is truly to the benefit of all Californians.

On October 31, this body passed the Reclamation States Emergency Drought Relief Act of 1991 which contained authorities for the Secretary of the Interior to carry out actions during drought conditions to reduce impacts on water users and fish and wildlife. Many authorities in that bill are needed even during nondrought years to meet the multiple demands for water in California. Some of the concepts of that bill have been incorporated here, such as conjunctive use of ground water and surface water and obtaining additional sources of water supplies. Others may be added as discussions are undertaken.

I am also interested in a funding mechanism devoted exclusively to the restoration of fish and wildlife in the central valley. Provisions in the bill direct the Central Valley project contractors to make annual payments into a fund established for this very purpose. Payments to the fund, of approximately \$5.5 to \$7.5 million annually will commence the first water year following enactment. Over 40 years, the total water contractor contributions will generate nearly \$290 million for this purpose.

Mr. President, I intend to continue to work with the chairman of the Energy Committee, Senator JOHNSTON, as we continue the development of a responsible and balanced solution for California. In fact, Mr. President, several of the chairman's remarks at the September 4 hearing in San Francisco were helpful, and we have worked to incorporate these ideas into this bill.

Mr. President, I am committed to the resolution of the fish and wildlife problems in California's central valley. I am committed to the resolution of the water shortage problems faced by urban areas throughout the State. This bill is the beginning of the resolution of those problems.

ADDITIONAL COSPONSORS

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Alabama [Mr. NEFLIN] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 487

At the request of Mr. GLENN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 487, a bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program.

S. 664

At the request of Mr. INOUYE, his name was withdrawn as a cosponsor of S. 664, a bill to require that health warnings be included in alcoholic beverage advertisements, and for other purposes.

S. 878

At the request of Mr. DODD, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 878. A bill to assist in implementing the Plan of Action adopted by the World Summit for Children, and for other purposes.

S. 1128

At the request of Mr. GLENN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1128, a bill to impose sanctions against foreign persons and United States persons that assist foreign countries in acquiring a nuclear explosive device or unsafeguarded special nuclear material, and for other purposes.

S. 1423

At the request of Mr. DODD, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1641

At the request of Mr. BREAUX, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1641, a bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants.

S. 1677

At the request of Mr. DASCHLE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1677, a bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the Medicaid program, and for other purposes.

S. 1698

At the request of Mr. SARBANES, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1698, a bill to establish a National Fallen Firefighters Foundation.

S. 1755

At the request of Mr. BUMPERS, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 1755, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 1774

At the request of Mr. BRYAN, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from California [Mr. CRANSTON], the Senator from North Dakota [Mr. CONRAD], the Senator from Arizona [Mr. DECON-

Chall: [shows drafts to Golb] This is the information that I had on the earlier drafts of what were probably 2016. And I don't really know just where I picked that up.

Golb: Yes, this is a draft of 2016 in some of the early stages.

Chall: And they were written primarily by Stuart Somach and David Schuster?

Golb: That's correct. That first date on this draft is May 21.

Chall: Right.

Golb: May 21, then June 19, and September 5. That's correct.

Concerns About Reclamation Reform

Chall: Some of my information comes out of your files and your journals, which I will refer to quite often. On April 23, your journal noted that you wrote a letter to [Richard] Darman, who was in the Office of Management and Budget, about acreage limits and pricing provisions in the Miller-Bradley bill. And I wondered why you had written to Darman.

Golb: Well, actually I didn't write to Dick Darman; Senator Seymour did. That letter was an attempt to address some rules that we believed the Department of Interior and the Bush Administration were considering changing that had to do with the Reclamation Reform Act. Not many people are familiar with it, but the way the Reclamation Reform Act works is that there's an acreage limit so that a farmer can own 960 acres of land, and they can receive water from a Bureau of Reclamation facility and receive it at the price it was agreed to when those contracts were negotiated. If a farmer owns land that exceeds 960 acres, then they have to pay a higher rate, the full price, on the acreage that exceeds the land.

Well, the history of the West is one of partnerships, and there are a lot of cases where farmers have brothers or sisters or cousins or uncles or aunts or whatever that work together. It's not uncommon at all; we can go five miles from where we're talking today, and you can meet a farm operation where two or three brothers are involved. And because of tax purposes and because of federal requirements, each individual will own 960 acres.

What the department was considering at that time, and what proponents like George Miller have always advocated is, "Well,

that's an outrage, and we shouldn't let these individual landowners own 960-acre tracts separately when they're farming it as one operation." So Senator Seymour's letter to Darman was simply to advise them that, in California at least, there are common practices where people farm land together and that should not be unfairly jeopardized just because there are some out there that have taken advantage of the system. And there clearly are.

There are some operations in the San Joaquin valley that have clearly flouted the 960-acre provision of the law. And everyone's aware of those operations, and all we were trying to do is to advise the department not to hit the smaller individuals that were living within the letter of the law and the intent of the law in their haste to go after those breaking the law.

Chall: That's one of the oldest problems around for the Central Valley Project.

Golb: Have you seen a copy of the letter?

Chall: No, all I had was your journal.

Golb: I have a copy of the signed letter that Senator Seymour sent.

Chall: I think that would nice to put into the archives.

Golb: Here's the closing paragraph [reads]: "I strongly oppose any change in reclamation law that would disrupt normal management practices used by the family farmer to create economies of scale, to take full advantage of management and technical expertise, and to remain competitive at home and abroad."

So you can see that this was not an attempt to circumvent what was happening in the legislature or within the department, although we were opposed to bills that Congressman [George] Miller and Senator [Bill] Bradley had introduced on acreage reform. This was simply to point out to the department: Look, if you're going to do this, do it right. You want to go after those that breaking the law, great. But in your haste, don't jeopardize normal family operations.

Chall: I know that you said that Senator Bradley attended only three of the hearings--there were four in '91--

Golb: Senator Bradley attended three of the four hearings. Senator Seymour attended all four. March 18, Los Angeles; May 8, Washington; May 18, Sacramento; and September 4, San Francisco.

Concerns About the Miller-Bradley Bills

- Chall: What was the primary problem with respect to Senator Seymour and the farmers' take on the Miller-Bradley bills? Was it primarily the transfer issue?
- Golb: Both Senator Bradley's bill, which was introduced first, then Congressman Miller's bill, which was introduced second, were fundamentally different. You know now it's been almost five years since I've participated in that debate and I haven't had a chance to really consider those thoughtfully since, but they were fundamentally different. I think Senator Bradley philosophically, looked at this issue and sincerely wanted to address two problems: some of the environmental problems that the Central Valley Project had caused, which are well documented, and he wanted to develop a water transfer arrangement that would free up some of the water supplies from within the Central Valley Project.
- ##
- Golb: And I think there was a sharp difference between Miller and Bradley. And so even though everybody refers to the ultimate legislation in [H.R.] 429 as the Miller-Bradley bill, there were fundamental differences between the two in how they approached the issue as politicians, as policy makers, and where they were coming from philosophically. Very, very different. I personally believe that Senator Bradley was coming at this at a much more pure policy level as opposed to Congressman Miller, who had much more of a political objective.
- Chall: I see. You generally agree with Jason Peltier, who felt that Miller was punishing agriculture.¹
- Golb: It's rare that Jason and I actually agree. We're probably not going to agree on a lot of things, but yes, in that perspective I do agree with Jason.

¹Jason Peltier, The Passage of the Central Valley Project Improvement Act, 1991-1992, Regional Oral History Office, University of California, Berkeley, 1994.



United States Senate Subcommittee on Water and Power,
hearing on S. 484, Sacramento, California, May 18, 1991.
Left to right: Senator Bill Bradley, Senator John Seymour,
Richard K. Golb.

Concerns About The Omnibus Water Bill, H.R. 429

- Chall: In June of '91, H.R. 429 [Omnibus Water Bill] passed the House. Initially it contained almost no CVP provisions, and it was considered weak on reclamation reform. In October, Bradley held a hearing and claimed that he would put the CVPIA into 429. Were you concerned about 429 even before Senator Bradley claimed he would include the CVPIA?
- Golb: There was always concern that CVP legislation would be included in 429. Remember, in the prior Congress, going back to 1990 before Governor Wilson was elected governor out here and came into office, there had been an attempt to move reclamation reform legislation through that was tied to the projects. All the western water projects that were included in 429, all of those titles--have you looked at where they go? Arizona, Texas, Kansas, New Mexico, South Dakota, North Dakota, Oregon, Washington, Utah--just about every state in the entire West had a provision in 429. And they had been held up, held hostage, by Congressman Miller and Senator Bradley for years. So we initially assumed that after Senator Bradley had introduced his legislation that it was very possible that the hostage for all of those projects would once again be something that they wanted. Initially, we were less concerned, but as time went on, it became apparent that their strategy was to tie CVP reform to all of the other western water projects.
- Chall: At the Sacramento hearing, Bradley was there with [Tom] Jensen; Somach and Schuster were present. According to my notes, there was a debate about transfers. Seymour said that the urban people must get on board the Seymour bill. Then, did he ultimately work out something with Carl Boronkay so that there would be water transfers that would be satisfactory to the Metropolitan Water District [MWD]?

Analyzing Senator Bradley's Bill, S. 484

- Golb: Right. Were you going to talk about S. 484 or the Bradley bill, or do you feel you have enough information on that?
- Chall: I'd like to find out whatever you have to say about S. 484.
- Golb: Okay. I think it's important to note--and I didn't see a lot of this in Jason's or Barry's interviews--that while I personally believe that Senator Bradley's intentions were sincere, there were

major legislative problems with his bill.¹ Even though Senator Bradley was focused on the water transfer issue--I mean, if you look at the bill, and I've got a copy of it right here--the total amount of water that could be transferred--. Do you have a copy of the bill?

Chall: Yes.

Golb: What it basically says is that the secretary of interior is authorized to make available 100,000 acre-feet of Central Valley Project water for sale through water service contracts. That's on page five, line five. So basically the way that we were going to solve this water supply problem in California was by making 100,000 acre-feet available. That's it.

There was a lot of other problems with the bill. It would have set major precedents for all of the other irrigation projects throughout the seventeen western reclamation states. It would have redefined the project purpose of the Central Valley Project, which as you know was prior authorized for navigation, flood control, irrigation. In 1956 it was amended to include project authorization for fish and wildlife, even though it hadn't been operated appropriately to handle the problems with fish and wildlife.

But Bradley's bill would have made fish and wildlife a project purpose almost to the exclusion of urban water supplies, agricultural water supplies, navigation, flood control, power generation. And there's big problems with that when you start to look at the financing. You can only pay a certain amount for water based on what you're doing with it. And if what you do with it is you take 10 percent of the entire water supply of the CVP--which is what the Bradley bill would have done--and reallocate it, somebody's got to pay for that. The general public, water users, whether they are urban or agricultural, power contractors. Those costs have to be allocated somewhere, and the Bradley bill didn't include any provisions for allocation for the financial--

Chall: Just the water.

Golb: Just the water. Just reallocate 10 percent of the water. And a 10 percent reallocation of water is kind of like a 10 percent flat tax: it's fair to some, unfair to many. There are many water districts, urban and agricultural, that have implemented tremendous

¹Jason Peltier and Barry Nelson (separate volumes), The Passage of the Central Valley Project Improvement Act, 1991-1992, Regional Oral History Office, The Bancroft Library, the University of California, Berkeley, 1994.

water conservation programs. And there are others that have a way to go. But a 10 percent reallocation from a water district that's already implemented extensive water conservation programs and is using a minimal baseline, that's a serious cut. You're talking about, you know, responding to that maybe by fallowing land. Well, that's a bad proposal whether you consider it under an economic perspective or under an environmental perspective.

So there was some serious problems. The water transfer provision in the bill would have basically auctioned this off to the highest bidder.

Chall: That's where the money would have come from?

Golb: Well, that's where part of the money for the water transfer would have come. The secretary was available to make this water--this is on page five, line eighteen: "Payments shall in no case be less than one hundred dollars per acre-foot." So they arbitrarily established the floor for what the minimal amount of the cost would have been for the water. So do you see what's happening here? It's that 100,000 acre-feet would have been taken out of the project, of water that was already being delivered to people, it would have been put on the auction block, the minimum price would have been a hundred dollars, the maximum price would have been whatever the highest bidder was willing to pay. Now who could pay for that water? If there was a bidding war, would you guess that MWD or the city of Orange Cove would win that bidding war? Now you know as well as I do that when you put a public resource like water on the auction block, you establish a real dangerous precedent. I believe Bradley's provision needed to deal with third party impacts--regional concerns, environmental ones.

Chall: Now that water was already--that isn't part of the unallocated water that was considered--

Golb: That's correct.

Chall: Is this unallocated water?

Golb: No. This was water that the secretary of interior would have made available.

Chall: Could he have taken it from unallocated water, though?

Golb: Actually, according to the Bureau of Reclamation, there is no unallocated water in the Central Valley Project. There was talk years ago of a million acre-feet that was unallocated, but it's not there.

Chall: And it wasn't there?

Golb: I don't think it is. The bureau today says it's not there. I think water contractors in the San Joaquin Valley made the argument that there was always this unallocated yield so that they could get more water, but I've never seen it. It's never been put on--. There is a moratorium on contracting, which Congressman Miller got into effect precisely because he doesn't think there's an unallocated yield. I think most folks that are very familiar with the project and project operations would tell you that there is no unallocated yield in the Central Valley Project.

Chall: I see.

The Minority Report of the Senate Energy and Natural Resources Committee

Golb: Have you read the committee report that was written on S. 484?¹

Chall: No.

Golb: Okay. Can I read you a section of it?

Chall: Yes. This is the committee report on S. 484?

Golb: This is the committee report on S. 484 from the Energy and Natural Resources Committee on May 7, 1991, and I would be happy to make this copy available to you. Here's one of the editorial comments in the beginning of this committee report: "The impact of the legislation, S. 484, on the rural economy is likely to be devastating especially in those areas in which agriculture supports the entire economy."

Chall: That's from the committee or the subcommittee?

Golb: That's from Jim Beirne, committee staff, who has worked on the energy committee for--I don't know--twenty-five years?

Chall: He's the senior counsel for the minority. That means Senator [Malcolm] Wallop.

Golb: That's correct. At the time, Senator Wallop was the ranking Republican on the committee. That's correct.

Chall: All right, I would like to have this. Do you want to make a copy of it or just give it to me?

¹This report, plus correspondence, articles, and memoranda, have been deposited in the Water Resources Archives.

Golb: Why don't you let me hang on to it, and what I'll do--all these documents you want I'll put right there, and I'll make copies for you.

Chall: I just wanted to know where that came from. That was the minority report.

Problems With the Bill

Golb: Right. The point of this is that there were a lot of problems with it. In addition, the state of California had just initiated a drought water bank which was much heralded in California. This would have put the state in competition with the federal government for making this water available in terms of the water bank. Bradley's bill also really preempted state law in that the Bradley bill required, mandated, a 10 percent reallocation of water from farming communities to the environment.

The only problem is that that water isn't federal water; under water doctrine law, all the water that resides in the state is California water. So really it was a preemption of states' rights. Most argue that the state should have the right to water use and water allocation. In this case, Bradley's bill would have changed that and would have unilaterally redirected a certain amount of California's water supply.

Chall: I was under the impression that Senator Bradley was always concerned that California water rights would be taken into account in his bills.

Golb: I think overall he was concerned about some of the legal aspects, but the fact is that the way the bill was drafted there would have been some negative effects from it in terms of the reallocation of water, conflict with state law, auctioning off water, the way water contracts would have been amended--there were some major problems with the bill.

Chall: Let's see, that bill (S. 484) came out in February. What were Senator Seymour and his staff doing with respect to this? I mean, you had the ear of Jim Beirne and Senator Wallop.

Golb: I don't know if we ever had Senator Wallop's ear. Senator Wallop was an excellent ranking committee member on the committee. He was a good senator, and he attempted to help us as much as possible. But his obligation in this situation was to the committee itself,

which included a number of members, Republican and Democrat, from the West, that had projects in H.R. 429.

We worked well with Jim Beirne. Jim Beirne is an outstanding Senate staff person; he is bright, he is knowledgeable, he is probably one of the finest Senate staff in Washington.

Chall: I noticed that you had contacted him quite often. I mean, he was one of the people that you turned to frequently when things were getting pretty hot.

Golb: He was very helpful, and at that time I didn't have a lot of experience on water issues from the federal perspective, and Jim was very helpful and also had high expectations for Senate staff whose senators were on committee. So his expectations of me were pretty high. He is a just a fine person and very knowledgeable.

Gary Ellsworth, who was the counsel on the committee, was also heavily involved in this debate. Gary, very knowledgeable, worked on both the House side and in the Senate. He was also helpful to us. Both Jim and Gary attempted to do as much as they could for Senator Seymour.

The Activities of Senator Seymour and His Staff

Chall: We're still concerned about the senator's bill.

Golb: I think you just asked me what we were doing after the Bradley bill was introduced. After the Bradley bill was introduced, we spent a lot of time talking to all of the various interests, trying to determine their view of the bill. We did a lot of analysis of the bill in terms of looking at it from the legal perspective, economic, environmental. The state of California reviewed the bill. A number of water districts, urban, agricultural, environment interests looked at the bill, and there were many problems with it. There were a lot of problems with the bill from a drafting standpoint, from a legal standpoint. The state of California opposed the bill, and a lot of water districts wrote Senator Bradley letters--which I have some copies of--where they had concerns with the bill. And there were some things that needed to be cleaned up. That's not unusual. Often when a bill is introduced, it's not a perfect product, but there were some things that needed to be addressed immediately.

After the Bradley bill was introduced, Senator Seymour introduced S. 728, which was the Upper Sacramento River Fisheries

Restoration bill--that was in March of '91. Throughout the early part of that spring, we spent a good deal of time reviewing the Bradley bill and the Miller bill, doing a lot of outreach with California constituents and interests in the state, attempting to look at what the environmental problems really were.

Senator Seymour spent a lot of time in California and spent a lot of time viewing facilities, talking to a lot of different people. I spent a tremendous amount of time in California and spoke with every single interest that either called, wrote, or asked for a meeting. And Senator Seymour talked with nearly every interest. Now I know that some in the environmental community, and Barry Nelson in particular, claim that Senator Seymour would never meet with them and had never met with them. That's just not the case. In fact, I have some documents that I think are pretty persuasive--just to kind of show you what Senator Seymour had done.

Contacts with the Environmentalists

Golb: If you go back to the very beginning, Senator Seymour asked Ed Osann of the National Wildlife Federation--this is in June of 1991 --to assemble all of the environmental interests that he believed would be useful to talk about Central Valley Project legislation. Ed Osann was in Washington; he was the representative of the National Wildlife Federation at the time, and it was our understanding that he was kind of leading the California environmental community effort on CVP reform. So Senator Seymour wrote him a letter and said, "We would like to get all these people together and start talking."

Chall: Did they?

Golb: Yes, we did. In fact, we met with Ed--Ed did pull together a lot of people including Kathryn Tollerton from the Defenders of Wildlife, James Waltman from the National Audubon Society, Don Hellman from the Wilderness Society.

These are all people that Senator Seymour wrote letters to on June twenty-seventh of 1991, thanking them for meeting with me and asked them a number of questions. Here's a couple of them: "Will the measures provided in Senator Bradley's bill help solve fish and wildlife problems in the Central Valley? What additional measures should be considered? Are the timelines adequate and realistic? Do you have an estimate on whether the water resource requirements are available? Should additional storage capacity dedicated for fish and wildlife be considered?" A number of questions like that

on what needs to be done. He said, "In order to facilitate this process, I request that you provide your written comments as quickly as possible. If you have any questions, please feel free to contact Rich Golb or Ann Ball of my staff, at this phone number."

So we initially--before the Seymour legislation was drafted--remember now, this was in June of '91; the Seymour bill was introduced in November of '91. The Bradley bill came out in February of '91, the Miller bill in March of '91. So immediately after the Miller and Bradley bills were introduced, and after we had a chance to review those, we started meeting with the environmental community and soliciting their input. Those meetings with the people I just listed were held in Senator Seymour's office in Washington, D.C., with me. Additionally, Senator Seymour met with a number of other members of the environmental and conservation communities and talked with them.

There are two letters here from Senator Seymour: on July 15, 1991, to Richard Spotts from the Defenders of Wildlife, and to Leslie Friedman from the Nature Conservancy--who I met with here in California. In addition, there's a letter to John Buetler, who was the executive director of the United Anglers of California, a fishing group based in Berkeley that I met with in California. In these letters, which I will also make available, you can see Senator Seymour asks John Buetler and Leslie Friedman and Richard Spotts, "How do we make S. 484 better? How do we improve on it, how do we really solve the problems?" So there are those that I'll make available to you.

Ducks Unlimited was also involved in these meetings in June and July in California, and I have copies of letters from Ducks Unlimited to Senator Seymour.

Chall: You can lay those out as proof without going into them further because we can put some of them into the volume.

Golb: Right. The last thing is that we also started working with Tom Graff from the Environmental Defense Fund and spent a lot of time with Tom throughout the process.

Chall: You did?

Golb: We did. Here's a letter from Senator Seymour again thanking Tom for meeting with me and others, and we asked him a number of questions. Seymour believed Graff wanted to be constructive and he respected him for that.

Chall: And when was that? Because I know that he wrote to you in '92, after visiting with Senator Seymour [August 14, 1992].¹

Golb: Right. There was a meeting in San Francisco--I believe in early July in '91--with the following groups: Environmental Defense Fund, the Natural Resources Defense Council, Save San Francisco Bay Association, California Waterfowl Association, Pacific Coast Federation of Fishermen's Association, the Bay Institute, and Clean Water Action. Some of the individuals that participated in that meeting included David Yardas from the Environmental Defense Fund, Hal Candee from the National Resources Defense Council, Barry Nelson, David Behar from the Bay Institute, Zeke Grader and Bill Kier from Pacific Coast Federation of Fishermen's Association, and Patricia Schifferle. I met with all of these people in San Francisco--I believe it was at NRDC's [National Resources Defense Council] office--to talk about what the best way is to develop CVP reform legislation.

I think the environmental groups that we met with will tell you that they were pretty much wedded to Senator Bradley's bill, and understandably so, since they wrote a good portion of it. But we continued to try and work with the environmental community throughout the entire debate.

In May of 1992, Senator Seymour met with all of the fishing industries. Again, it's both the commercial and sport fishing groups: Golden Gate Fisheries Association, Pacific Coast Federation of Fishermen's Association, NorCal Fishing Guides and Sportman's Association, Central Valley Fisheries Coalition--all of these groups--and this is a document that I'll give you as well. That was on May 9 of 1992. Senator Seymour also met with Tom Graff at the September 4 [1991] hearing in San Francisco.

Senator Seymour had a pretty good relationship with Tom Graff. He had a lot of respect for Tom Graff. They disagreed on a lot of issues and particularly on CVP reform. But Seymour liked Tom, had a lot of respect for him, felt that Tom was courageous--particularly when Tom attempted to develop some legislation with Stuart Somach. He just had a lot of respect for Tom Graff. In addition, remember, at each of the four hearings--March 18 in Los Angeles, May 8 in Washington, May 18 in Sacramento, and September 4 in San Francisco--many of the environmental groups did testify at these hearings. Senator Seymour was at the panel, and he asked a lot of questions of the environmental groups. At the September 4

¹Thomas Graff and David Yardas, The Passage of the Central Valley Project Improvement Act, 1991-1992, Regional Oral History Office, University of California, Berkeley, 1996.

ENVIRONMENTAL DEFENSE FUND

Rockridge Market Hall
5655 College Avenue
Oakland, CA 94618
(415) 658-8008
(415) 658-0630 FAX

July 9, 1991

Richard Golb
Ann Ball
Office of the Honorable John Seymour
U.S. Senate
Washington, D.C. 20510

Dear Richard and Ann:

Sorry not to have gotten the promised enclosure off to you earlier as a follow-up to our meeting of a week ago yesterday. The 4th intervened, I guess.

I hope you will consider the letter carefully. Perhaps Governor Wilson and Senator Seymour could tackle this issue in tandem. I know it's a tough one both substantively and politically, but without some kind of resolution of this matter, I am deeply skeptical that any significant progress can be made in expanding the CVP's benefits to encompass all Californians.

In any event, let's keep the lines of communication open. I for one was really impressed with the time you two took with our community last week and with the patience you displayed in the face of not a little provocation.

National Headquarters
257 Park Avenue South
New York, NY 10010
(212) 505-2100

1616 P Street, NW
Washington, DC 20036
(202) 387-3500

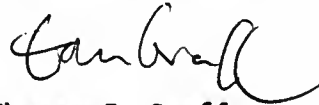
1405 Arapahoe Avenue
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Richmond, VA 23219
(804) 780-1297

128 East Hargett Street
Raleigh, NC 27601
(919) 821-7793

1800 Guadalupe
Austin, TX 78701
(512) 478-5161

Sincerely yours,



Thomas J. Graff
Senior Attorney

TG/pgf
Enclosure

19b
United States Senate

WASHINGTON, DC 20510-0503

June 27, 1991

Mr. Ed Osann
National Wildlife Federation
1400 16th Street NW
Washington, D.C. 20036

Dear Mr. Osann,

Thank you for meeting with my staff on Monday, June 24th to discuss an alternate proposal to S. 484, The Central Valley Project Improvement Act, which was developed by the Central Valley Project water contractors and was presented at the May 30th hearing on S. 484 in Sacramento. The meeting was extremely useful to my staff in understanding your concerns.

As you know, I believe that by focusing our attention on the fish and wildlife problems in the Central Valley, we will speed the passage of legislation which will specifically address these immediate needs. The alternate proposal provides a basis for us to build upon in developing such legislation.

As a follow-up to the meeting, it would be extremely helpful if you would provide written comments on the proposal. I am particularly interested in any thoughts you may have on the following:

1. Will the measures provided in the proposal help solve the fish and wildlife problems in the Central Valley?
2. What additional measures should be considered?
3. Are the timeframes proposed adequate and realistic?
4. Do you have an estimate on whether the water resource requirements are available? Should additional storage capacity dedicated to fish and wildlife be considered?
5. Can you provide estimated costs, and relative priorities, for the measures in the proposal, or for any additional measures which you feel should be considered?

Mr. Osaan
June 27, 1991
Page 2

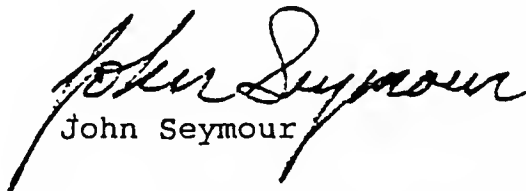
19c

6. On each particular measure, would the action be better undertaken at the Federal or State level, or would a coordinated action be required?

In order to facilitate this process, I request that you provide your written comments as quickly as possible. If you have any questions, please feel free to contact Rich Golb or Ann Ball of my staff at 224-9628.

I appreciate the effort you have contributed to this process, and I look forward to continuing to work with you as we move toward the passage of Central Valley fish and wildlife legislation.

Sincerely,


John Seymour

JS/rg

cc: Senator Bill Bradley
Senator Malcolm Wallop
Senator Conrad Burns
Senator Mark Hatfield

19d

Central Valley Fisheries Coalition

855 Gold Street Redding, CA 96001 916-244-5040

May 6, 1992

Craig Schmidt:

The following is a list of the people who will be meeting with Senator Seymour 5/9/92:

- | | |
|------------------------------|--|
| Shel Meyer | Chairman, Central Valley Fisheries Coalition |
| 2. Zeke Grader | President, Norcal Fishing Guides & Sportsman's Assn. |
| 3. Roger Thomas | Pacific Coast Federation of Fisherman Association |
| 1. John Buetler | Golden Gate Fisheries Association |
| 4. Nate Bigham | United Anglers of California |
| Mel Dodgen <i>agri-assn.</i> | Pacific Coast Federation of Fisherman Association |
| Patricia Schifferle | Golden State Trollers - 1086 Committee |
| Herb Holzapfel | Share the Water |
| <i>Bob Miller -</i> | Farmers Rice Cooperative |
| John Roberts III | Colusa Glen Production Credit Association |
| Jeanne Mims | Glen Colusa Irrigation District Farmers Group |
| Bill Huffman | California Rice Industry Association |
| | Norcal Fishing Guides & Sportsman's Association |
| | Farmers Rice Cooperative |

Enclosed is a list of the organizations that are members of the Central Valley Fisheries Association, as well as a list of the agriculture organizations we are working with to save our salmon.

Shel Meyer
Chairman

hearing in San Francisco, Senator Seymour asked a number of questions of Barry Nelson and Tom Graff, and this is included in the report language on the hearings on S. 484. I'll give you a copy of this. This is on page thirty-five.

Chall: I think that's all in the public domain. Researchers can find that as long as we'll have the notation of exactly what it is. But I would like a copy for my files.

Golb: The point is that this hearing was a good hearing because it was a small hearing; there wasn't a lot of people there. There was a real healthy exchange, a productive exchange, where Senator Seymour asked Barry Nelson, who was only sitting five feet away, a number of questions. He asked Tom Graff a number of questions. So there was a tremendous amount of dialogue between John Seymour and myself and the environmental community. Personal meetings, telephone conversations, written correspondence.

The Constraints of Compromise on Both Sides of the Debate

Chall: As you say, S. 484 and the Miller bill went through quite a number of changes. I think at various times they tried to meet some of your objections. I think that Senator Bradley tried to meet some of the objections. In trying to make some revisions in the Seymour bill over the years, who really made the decisions about whether or not there could be any kind of compromise? I mean, were you held or sort of constrained by the agriculture people in the CVP, many of whom didn't want to make any changes at all, from what I understand?

##

Chall: I was asking about constraints placed by the farmers on your making compromises. But you say that these environmentalists, primarily, were sort of wedded to S. 484 because they helped write it. That's Yardas, of course, and Graff to some extent. And your side, were they wedded as much to, let's say, some of the Schuster/Somach drafts of S. 2016 so that never the twain could meet? The twain seemed to meet occasionally, particularly toward the very end; you made some rather important revisions to 2016. But on the whole was this a real problem with respect, not of just meeting, but of compromising? Was there no way to compromise? Was that a problem?

Golb: There were a lot of problems in this debate. There were a lot of problems. This was an extremely political debate. Extremely so on

a state level, on a national level, in terms of political partisanship, in terms of organizations, even within the environmental community, within the agriculture community--I mean, some will probably portray or will attempt to raise a veneer that the agriculture community, the environmental community, the urban interests were a block, and each individually all agreed on how things should be done. That's not the case. There was tremendous acrimony within the various interest groups on how things should be accomplished.

This was unlike any other legislation in which I had been involved; it was extraordinarily political. The media had a particular direction that they were advocating. The Democratic party was doing their best to make sure that John Seymour was defeated. Some Republican members were trying to help John Seymour stay in office. The governor had a particular perspective--which was a rightful role in what he was attempting to do. I thought he did a good job and acted appropriately. So this was an extremely political debate in how things were accomplished. The environmental community did a superb job of characterizing and defining this debate in a certain way, in such a way that they outmaneuvered most of the agricultural community from the beginning to the end.

The Environmental Community Defined the Debate Politically

Chall: What was their way?

Golb: What the environmental community did is--this is my perspective on it; they probably have a different one--they did a very good job of capitalizing on the drought. Most of the fish and wildlife problems that we've had in this state have been going on for a long time. The salmon declines really picked up in the mid-sixties to early seventies, the problems in the Delta itself had been going on for some time, but most people didn't know about it. Well, the drought really was an excellent way to move these issues from the back page of the newspaper to the front page, to get local elected officials involved, and to get Congress to take the issue head on.

What happened is that the environmental community did a great job of taking this issue, of taking the drought, where people were suddenly aware of water and where it went in the state, of what people were paying for it, and trying to put these environmental issues to the forefront. They did a great job of that. And the agricultural community had difficulty dealing with that from a political standpoint. They weren't as well equipped as the

environmental groups were in terms of the political dynamics of the issue.

The agricultural community initially was focused on--well, initially they just ignored the environmental community, which they had basically been doing for years in this state. And that's why we have the environmental problems we have; there wasn't enough focus and attention on it. But I think what happened is that the ag community initially did not view this as seriously as they should have.

Chall: Now, would one of the reasons be that in all the years past the western senators had always been sympathetic to California? I mean, California never had lost all their western colleagues as they did because of the hostage of S. 429. They had always been able to be sure that western senators were on their side. That was one reason. The other reason may have been--at least that's what some people feel--that it never occurred to the agricultural community until the end that this bill would pass. Even Dan Beard said that up until the end there were times when he was sure it would pass, and then there were times when he didn't think it could or would, or even that the president would sign it.¹ There's a feeling that you didn't really have to do very much until the end because you were so sure that the Miller-Bradley bill would never pass.

Golb: Well, we weren't sure at all. What we were sure of is that there was an influential senator, Bill Bradley, aggressively moving a bill and we spent a tremendous amount of time on it. John Seymour made this legislation perhaps his priority during his tenure in the U.S. Senate. We took the environmental arguments and Senator Bradley's and Congressman's Miller's efforts extremely seriously. Senator Seymour introduced three different bills to deal with it, he offered lots of new proposals, and we can talk in a minute about all the actions that he undertook. We took it very seriously.

I think the environmental community took it seriously, and ultimately if you look at their actions, they did a good job of creating the political will to move the bill along, coupled with Bradley and Miller's actions in terms of the hostages. So we took it very seriously, and we didn't think that we could just sit on our hands and let it happen. There were some in the agricultural community that felt that it would never happen, and they felt that you just, "Oh, don't worry about it; it'll get taken care of."

¹Daniel Beard, The Passage of the Central Valley Project Improvement Act, 1991-1992. Regional Oral History Office, University of California, Berkeley, 1996.

Again, they struggled early on--I think the environmental community looked at it and said, "Okay, we have a policy, and a philosophical objective, and we need a political strategy to achieve it." What they then did was effectuate a political strategy, a media campaign, coalition efforts, grassroots, to do that. They hired a Washington, D.C., lobbyist, David Weiman. They raised a lot of money, they brought people together to work on policy issues, to draft amendments. They handled the issue politically.

Additionally, there were also some of the members of the environmental community that went after John Seymour personally, and were quoted in newspaper articles which I have a copy of right here. This wasn't part of the CVP debate, but Barry Nelson was quoted in the Associated Press from July 9, 1992: "Barry Nelson complained that 'Seymour has repeatedly refused to meet with environmentalists about his bill. Senator Seymour is not the senator from California; he is the senator for welfare agriculture,' Barry Nelson, coordinator of Share the Water Environmental Coalition, said Wednesday."

Well, as we just talked about, I've just showed you letters that Senator Seymour personally wrote. We've talked about how Senator Seymour met personally with a number of environmentalists, how he talked on the phone to several of them, how he met personally with some of them, how I met with lots of them. So this is an incorrect statement, given its date and whatnot. I'll make that a copy for the record as well.

They put together a very sophisticated plan to achieve a policy objective. The agriculture community initially did not. Initially, they dealt with this solely on a policy level, and they attempted to debate with the environmental community on a policy level. Well, it wasn't a policy debate; it was a political debate. So what happened is that while the agriculture interests were attempting to negotiate, to deal, to work with the environmental community on the policy aspects of it, the environmental community was approaching it politically and by leaps and bounds went ahead of the ag community.

Ultimately, the agriculture community increased their efforts and became just as political as the environmental community and used every means available to them, some of which the environmental community never has available to it. But that's a really important part of the debate that people need to realize, that this was from day one an extremely political debate by most of the players, and that guided what happened. This was really not a debate about how to increase salmon numbers on the Sacramento River.

Chall: It was not?

Golb: No.

Policy, Not Politics Would Have Produced a Different Bill

Chall: You feel that if it had been done just on the policy itself that this bill would be totally different?

Golb: The bill would have been different. I mean, if you look at Congressman Miller's bill initially, [H.R.] 5099, and if you look at Senator Bradley's bill, S. 484, both of those bills don't include all of the specific provisions that were ultimately included in the final legislation that were in Senator Seymour's bill such as a temperature control device at Shasta Dam which is now under construction. All of those provisions came out of the fishing community. Those were in Senator Seymour's bill, S. 728, which came out of all the commercial and sport fishing industry. Those were the provisions that the fishery biologists said we needed.

You know, the Red Bluff Diversion Dam has historically been a major problem on the Sacramento River and took as much as 50 percent of outmigrating salmon. The Red Bluff Diversion Dam is a very simple dam; it's just a straight diversion on the Sacramento River. But the way it was constructed, the fish ladders weren't completed correctly, so when young salmon would go underneath the dam's gates, the salmon would get tumbled around like in a washing machine, and they would come out disoriented. Huge squaw fish--three feet long--lurk on the other side of the dam and just nail them.

They've made some changes up there, and the bureau's working real hard to fix that. But you see, Mrs. Chall, if the concern were really fish, what you would do is focus not on more water, but solving Red Bluff. Now, more water is needed for fish--I think most people agree on that. But no one ever had any defensible numbers as to how much. There was never any scientific documents or reports offered that justified three million, two million, one and a half, or 800,000 acre-feet. If you look at the CVPIA today with a retrospect of five years, you can see that the law has tremendous problems. And that is a function of the political debate that characterized most of the actions and discussions back in 1991 and '92.

The Pivotal Role of the Metropolitan Water District

Chall: Part of the debate was also--besides fish--was on water transfers. That was another issue. I gather that you brought [Carl] Boronkay into some of the decisions about what would go into 2016 with respect to transfers. I think that Senator Seymour mentions this when he was trying to influence somebody else--the fact that Boronkay did have something to do with this bill. Was the Metropolitan Water District really sort of pivotal in this whole issue of transfer?

Golb: Boronkay did have something to do with the bill. Metropolitan is pivotal in just about everything that goes on in California water. They had expressed a tremendous amount of interest in CVP legislation. Initially, their interest was just water transfers; I don't think they were concerned about the fish and wildlife provisions or any of the other provisions. While the water contractors were working on S. 2016, before it was introduced and while they were working on some of the drafts, they negotiated with MWD and came up with the water transfer language that was ultimately included in Senator Seymour's bill. And that water transfer language was fundamentally different than what was in Senator Bradley's bill or Congressman Miller's bill. Their language didn't even come close to it.

The only problem is that that language was ultimately amended and changed significantly, and if you look at history--history's a good barometer of whether it's worked. This is 1996, May 3, and there hasn't been one water transfer from a Central Valley Project farmer or a water district to an urban or city or municipality outside the Central Valley Project.

Chall: We've had plenty of water this year.

Golb: We've had plenty of water this year; 1994 was the fourth driest year on record.

Chall: Could transfers have taken place almost immediately?

Golb: Almost. They would be authorized by law--the law, after President Bush signed it, did authorize the secretary of interior to review water transfers. Of course, there has to be rules and regulations for the transfers, and that's been a lengthy process. I think the environmental groups and farm groups would agree--few of the things they agree on--but they probably would jointly agree that the way that law's been implemented has been inefficient. It hasn't worked out well. But the reality is that we've had no water transfers.

That's a fairly good indication that that provision in the final bill doesn't work.

And the Metropolitan Water District has been trying very hard to buy water from Central Valley Project water districts.

The Problems With the Water Transfer Provisions of the CVPIA

Chall: And why are they unable to?

Golb: They're partially frustrated by the ambiguity that the law creates, and that manifests itself in terms of regulatory oversight, that makes it difficult. It makes it burdensome. The law is unclear. The political debate that characterized those discussions in '91 and '92 are seen in the law itself. It's sloppy, it's not well written, there are provisions that refer to other provisions that don't exist in the bill. You've read it; you know. There's not a good audit trail of congressional intent. The report language is not very clear at all on what the law was intended to do.

Many of the members that participated in the law's development had philosophical disagreements and different interpretations of various provisions. The administration changed hands right after the law was signed. So there are some fundamental problems with the law itself, and transfers are a good example of how the political nature of the debate has caused a problem that we're all living with today.

Chall: Can these problems be solved without gutting the whole bill?

Golb: Sounds like you've been listening to the environmental groups.

Chall: [Laughter] I always ask those questions.

Golb: You can solve a lot of the problems administratively. Some of the environmental groups--you know, David Yargas and Tom Graff, particularly, have noted that there are some administrative fixes that could be made to the law, and they're correct. You could solve a lot of the problems in the law administratively. Some of it is going to require a change in law. Now whether or not that will ever happen, I don't know. But some of it will.

I'm sorry--the answer to your question is yes. Metropolitan was heavily involved; Metropolitan negotiated bilaterally with the water contractors that resulted in the water transfer language that was included in the Seymour bill.

Chall: Ultimately, the Metropolitan Water District would go from your side to the other side. Is that because they felt one side might win rather than the other? Did they go to the winning side rather than care about what was in the bill per se?

Golb: Metropolitan's general manager at the time initially--

Chall: That's Mr. Boronkay.

Golb: That's correct. He personally negotiated many of the water transfer provisions that were included in the Seymour bill. Metropolitan Water District's Board of Directors on a 49-2 vote, supported Senator Seymour's bill. When the debate became much more intense over the summer of '92, Metropolitan began to waver, and they felt that they needed to consider other bills that they might get a better deal out of.

Chall: Would that be a better deal in terms of transfer or a different transfer language?

Golb: In terms of support from the environmental community--they were looking for support. It seemed to me at the time that the deal that was struck was that Metropolitan supported Miller and Bradley's efforts in order to obtain support for water transfer provisions from the environmental community.

Chall: A different kind of transfer language, then?

Golb: Similar. I think the transfer language that was included in Seymour's bill was pretty close to what they wanted, ultimately. After thinking about it, and as time went on, they learned--we all learned--that a lot of these provisions needed to be amended. The reason these provisions were never amended in the Seymour bill--and Seymour was criticized by the environmental community for never amending his bill--was the reason Bill Bradley never amended his bill and George Miller never amended his bill. They couldn't. The legislative process didn't allow it.

II THE SEYMOUR BILL: EARLY SUCCESS AND ULTIMATE DEFEAT

The Seymour Bill Moves Through the Senate Energy and Natural Resources Committee and the Senate

Golb: The Seymour bill was introduced in November of '91. It passed out of the Energy and Natural Resources Committee unamended [March 19, 1992]. The agreement by the chairman of the committee and the committee members was to pass the bill unamended. It passed the floor unamended [April 10, 1992]; that was the agreement. Because Senator Bradley and Congressman Miller didn't want to support Seymour's bill--they wanted to support their own bill--they didn't offer any amendments to the Seymour bill, and we weren't allowed to either. So Seymour was unable to amend his own bill.

And if you look at his statements--his floor statement on November twenty-first when he introduced the bill, he said it's a beginning; it's not a complete product.¹ The quote is it's not even a perfect bill. He said that in committee hearings all along, and he made commitments to the environmental community, to the urban community, to Central Valley farmers that he knew it was the first cut, that it was the first draft, and that there were going to be problems with it. It was going to need a lot of changes.

Chall: What was going on inside that committee that brought it out unamended? Could S. 484 not get out of that committee?

Golb: It didn't.

Chall: It didn't, but what was the reason why Seymour's bill did? What was happening?

¹Congressional Record, Senate, November 21, 1991, pp. S17465-17466.



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 102^d CONGRESS, SECOND SESSION

Vol. 138

WASHINGTON, THURSDAY, APRIL 9, 1992

No. 53

Senate

Mr. SEYMOUR. Mr. President, I would like to commend Chairman JOHNSTON and Senator WALLOR for their leadership and efforts on passage of the Reclamation Projects Authorization and Adjustment Act of 1992.

Both the chairman and Senator WALLOR have been very accommodating in addressing my concerns regarding several provisions of this bill specific to my State of California.

The bill includes several titles which address California's pressing water needs. These include comprehensive water reclamation and reuse studies for southern California cities and counties. Further, it authorizes the Secretary of the Interior to participate with city and county of Los Angeles and the city of San Jose in the design and construction of water reclamation, reuse, and water quality programs and projects.

The bill also authorizes the Secretary to conduct research on available methods to control salinity in the Salton Sea. Additionally, I am delighted that we were able to authorize a permanent water contract for the San Joaquin National Veterans Cemetery.

Mr. President, I was pleased that the committee chose to adopt the S. 2016, the Central Valley Project Fish and Wildlife Act, I introduced November 21, 1991, into the Reclamation Projects Authorization and Adjustment Act of 1992. This bill directs the Secretary of the Interior to undertake specific activities to address fish and wildlife problems associated with California's Central Valley project. The bill also removes the Federal barrier which has historically prohibited water transfers from agricultural users to urban and industrial uses, and requires Central Valley project agricultural users to use water more efficiently.

Last year, the Senate Energy Subcommittee on Water and Power held four hearings on CVP legislation in Los Angeles, Washington, DC, Sacramento, and San Francisco. I attended all four. Approximately 75 witnesses testified during these proceedings, many followed up with written remarks to supplement their testimony.

I and my staff have met with virtually every interest in this debate; includ-

ing representatives of environmental, agricultural, urban, fishery, conservation, and power interests. We also met with representatives of the CVP and State water districts, the State of California, the U.S. Fish and Wildlife Service, the Department of the Interior, and the Department of Agriculture. My office has met with everyone who has requested a meeting on this issue.

In early March, Chairman JOHNSTON requested that several Senators meet in an effort to negotiate a compromise CVP bill. During the negotiations, it became apparent that resolving the central issues in CVP legislation was much more complicated and costly than anyone had initially imagined. Possibly the most difficult issue to resolve was the question of water for the environment. Everyone acknowledges during dry periods, fish and wildlife need firm water supplies that will ensure survival of the species. But how much water is required to ensure that survival of various species now threatened? Where will it come from? How much will it cost either to develop this new water, or to purchase it? And, who will pay for it?

As we painfully discovered, there are no simple solutions. During drought—and we're in our sixth year now—there is precious little water for anyone. Just look at the cutbacks that urban, industrial and agricultural users have endured for the past few years. How much water do we provide for fish and wildlife needs during drought? In the absence of credible data, it is difficult and possibly irresponsible to make such a determination. When there is credible data, as in the case of wildlife refuges, we can identify ways to deliver the water. In regard to the needs of the fisheries, it is clear more water is needed during dry periods. But we should not delay adopting solutions to already identified fishery problems.

Unfortunately, various special interest groups have become fixated upon a single amount of water exclusively for fish and wildlife needs. They believe 1.5 million acre-feet of water for fish and wildlife is the minimum amount of additional water supplies necessary for fish and wildlife in the Central Valley. Frankly, their utter lack of

willingness to find a reasonable balance is one of the major stumbling blocks to developing compromise CVP legislation that would address urban, agricultural and environmental water needs.

The effect of reallocating 1.5 million acre-feet away from urban and agricultural users solely to fish and wildlife would be disastrous to California. According to the California Department of Food and Agriculture, a reallocation of this water would cost the State roughly \$0 billion in lost economic activity. It would also result in the loss of over 10,000 jobs—over \$210 million in lost wages. CDFA also projects that it would result in the idling of over 1 million acres statewide—a loss of over \$1.5 billion in gross farm receipts.

Another matter is how would this water be acquired each year? Should it be developed through new storage facilities, through the idling of cropland, or should it be purchased annually or permanently? Is it even possible to build all of the facilities required to develop 1.5 million acre-feet, or would it require a combination of new storage facilities and annual purchases? Finally, what would it cost to acquire that much water?

The Department of the Interior estimated that raising Clair Engle Dam with a pump-through storage to Shasta Dam, construction estimates only, not including annual operation and maintenance, would cost approximately \$3 billion. If built, this facility would yield approximately 700,000 acre-feet annually. If you accept the approach that you need an additional 1.5 million acre-feet, in this instance, only half of the annual delivery to fish and wildlife has been developed, at a cost of \$3 billion. And you would still need to obtain an additional 800,000 acre-feet.

Another option we explored was to direct the Secretary of the Interior to buy 1.5 million acre-feet annually. This option was also financially unreasonable. Consider, the State of California's 1991 water bank. Last year, the State of California purchased approximately 750,000 acre-feet at a cost of roughly \$125 million. This was a one time purchase. The costs associated with purchasing 1.5 million acre-feet annually would easily exceed \$250 million, regardless of whether the Secretary purchased water rights associated with poor drainage lands in the San Joaquin Valley, or bought storage rights from existing storage facilities.

Then there is the question of who will pay for this water for fish and wildlife. Initially, there was speculation that a transfer fee could be placed on water transferred from agricultural use to urban use. It became apparent, however, that any charge on water transfers would not generate sufficient funds, because once 1.5 million acre-feet was devoted exclusively to fish

and wildlife, there would be no water left in the Central Valley project to transfer to other parched urban areas.

There was general agreement that the structural improvements for fish and wildlife such as those in S. 2016, based on rough estimates would cost approximately \$238 million. Acquiring 1.5 million acre-feet annually for fish and wildlife on a permanent basis was estimated at \$2 billion, using \$1,300 an acre-foot as the assumed cost.

Alternatively, to acquire temporary water for fish and wildlife in cumulative 150,000 acre-feet annual increments for 100 years based on \$100 acre-feet was estimated to cost roughly \$1 billion. Two things became clear as a result of this discovery. First, the costs were much higher than anticipated, and would cause serious economic consequences if imposed over a 10-year period. Second, the goal of achieving 1.5 million acre-feet of water dedicated solely for fish and wildlife was unachievable in 10 years in all but very wet years without the same economic dislocation.

Senators JOHNSTON, BRADLEY, WALLOP, BUNNS, and myself then explored the option to stretch out the costs of these structural measures and water purchases by examining the use of bonding authority. In each instance, the numbers told the story. It appeared that increases in power charges might exceed 20 percent, agricultural rate increases of 100 percent, and municipal and industrial rate increases of 200-300 percent. We even reviewed the option to apply a charge to prior rights and exchange rights water users. There was also a recognition among the negotiators that agricultural and urban water contracts can not simply be unilaterally amended to include a rate increase. Ultimately, none of the options we explored were acceptable to me or the constituents I represent. It's easy to promise all things to all people, but the reality is that reallocating 1.5 million acre-feet of water exclusively for fish and wildlife simply would not work. And that reality became clear to all members of the committee, before it reported S. 2016 as part of the measure now before us.

Let me emphasize that the decision to support my bill does not abandon California's fish and wildlife, or any particular group such as California's commercial and sport fishermen. I believe that the provisions of S. 2016 will make it possible to begin the restoration of California's precious fish and wildlife habitat.

Nonetheless, during dry years there must be minimum amounts of water available for fish and wildlife needs. I strongly support providing a minimum amount of water for fisheries during times of drought. In fact, S. 2016 provides for establishing increased flows on both the American and Sacramento

Rivers.

S. 2010 would stabilize and augment river flows to restore and enhance the natural production of anadromous fish. The economic importance of salmon and steelhead runs, striped bass, and other fisheries are imperative to California's sport and commercial fishing industries.

In March of last year, I introduced S. 728, the Upper Sacramento River Fishery Resources Restoration Act, which incorporated the recommendations of the Upper Sacramento River Advisory Council. Established by an act of the California Legislature, the council devoted a considerable amount of time through open public hearings and meetings to develop a management plan to restore Sacramento River fish habitat. Many of the requirements contained in that bill, including mandated instream flow requirements, have been embodied in this bill. S. 2010 directs the Secretary of the Interior to establish increased flows in the rivers and streams below project dams. Once established, these flows will become a firm requirement of the Central Valley project. S. 2010 requires the mitigation of fishery losses resulting from the Tracy and Contra Costa pumping plants; it provides authorization for the construction of a temperature control device at Shasta Dam for cooler water releases for spawning and outmigrating salmon; it authorizes the rehabilitation and expansion of the Coleman National Fish Hatchery by 1995; it requires the Secretary to enter into an agreement with the State of California to eliminate losses of salmon and steelhead trout caused by flow fluctuations at Keswick, Nimbus and Lewiston Regulating Dams; it authorizes the construction of a new fish hatchery at the Tehama Colusa Fish Facility, as well as authorization for the construction of a salmon and steelhead trout hatchery on the Yuba River; it authorizes the Secretary to minimize fish passage problems for salmon at the Red Bluff Diversion Dam; it directs the Secretary to provide flows to allow sufficient spawning and out migration conditions for salmon and steelhead trout from Whiskeytown Dam. Finally, the Secretary is authorized to construct a barrier at the head of Old River in the Sacramento-San Joaquin Delta, by December 31, 1995, to partially mitigate the impacts of the CVP on the survival of young outmigrating salmon.

In addition, my bill provides for the immediate delivery of 380,000 acre-feet of firm water supplies to the 15 national wildlife refuges and wildlife management areas in the Central Valley. The wetlands and associated habitat are important to several threatened and endangered species such as the American peregrine falcon, bald eagle, Aleutian Canada goose, and San Joaquin kit fox, and support a

winter population of nearly 6 million waterfowl. Sixty percent of the ducks, geese, swans, and millions of shore birds of the Pacific flyway crowd the existing acres. By the year 2000, it directs the Secretary of the Interior to increase the water supply to over 525,000 acre-feet annually. This has been identified by the Secretary of the Interior as the amount needed to fully manage all lands within the existing refuge boundaries.

While I've focused upon the fish and wildlife components of my bill, it is imperative that any comprehensive water bill for California address the growing water needs of our cities. That's why S. 2010 includes a water transfer provision that's the product of negotiations by the metropolitan water district, representing over 16 million water users, and CVP water users. This historic agreement would allow, for the first time, Central Valley water users to transfer water to cities such as Los Angeles, San Diego, and other urban areas. This provision provides for the protection of both ground water supplies and safeguards against third party impacts. Given California's explosive growth, voluntary water transfers are an essential component in any successful long-term water policy. This provision will help ensure California's cities access to a safe water supply in years to come. I will continue to insist upon the water transfer language as agreed upon in California, in any final CVP legislation. This week, the State of California has announced a comprehensive water plan, and I'm pleased to say Governor Wilson's plan includes water transfer guidelines identical to those in my bill.

I would also note for the Record that some have stated that my bill will not resolve the dredging issues in the San Francisco and Oakland Ports. I am, however, committed to keeping these ports open and vital.

For almost a year now, I have worked aggressively to ensure that bay area ports remain open to large vessel traffic. When I first became involved in this issue, it appeared that most maintenance dredging would be halted at the Oakland and San Francisco Ports. The holdup seemed to stem from a bureaucratic web that involved the Army Corps, the Environmental Protection Agency, and the National Marine Fisheries Service.

At that time, each of these agencies was working diligently, but independent of the other agencies. The result was stalemate; no solution, no permits, no dredging. And sadly, the potential loss of up to a 100,000 jobs and a \$4.5 billion industry for the bay area.

I found it unconscionable that a multibillion dollar industry in California would be at risk because Federal bureaucracies could not seem to communicate with one another. I vowed

not to let that happen. Since last July, we have been meeting regularly with all the pertinent Federal agencies. As a result, these agencies are placing greater emphasis on keeping the ports open and vital.

This new emphasis has yielded results. In the Port of San Francisco, the dredging of pier 27, pier 29, pier 94, pier 96, pier 80 (approach), pier 80 (Islals Creek), and Berkeley Marina has been permitted. The Port of Oakland, the Chevron oil transfer facility, and the Guadalupe Slough have also gotten permission to go forward with needed maintenance dredging projects.

Since I introduced my bill last year, it has become apparent that the State of California would like to take over the CVP. Although there are numerous issues to resolve before this could occur, I strongly support State ownership of the CVP. No other reclamation project is as integrated to a State's water project as the CVP is the California's State water project. I intend to do everything I can to assist California in this regard. In fact, Senators JOHNSTON and BRADLEY indicated that they would not object to California's decision to take over the CVP.

I will not support legislation that benefits one group at the expense of another, or does not fairly address the needs of legitimate California interests. Recently, various special interests have attempted to characterize California's water struggle as one of farmers versus fishermen. Let me say, there is no place for this sort of wedge-forming politics in this issue. This is not a struggle between farmers and fishermen. The Endangered Species Act will not go away simply because we pass CVP legislation. Nor for that matter will the bay-delta proceedings. Ultimately, there is enough water

for farmers, fishermen, and for cities. The challenge is for all Californians to work together.

The objective is balance. California is growing at a rate of 700,000 people a year, and the demands upon our natural resources will only continue to increase as our population grows. If California will ever clear this hurdle which threatens our economy and the quality of life for our citizens, we must balance the often competing needs of our cities and rural communities with our limited natural resources. I do not believe that commerce and conservation are incompatible. There will be sacrifice, difficult decisions lie ahead of us; but working together, we will resolve the water dilemma which has polarized our State for so long.

I'm committed to the resolution of fish and wildlife problems in California. I am equally committed to the resolution of the water shortage problems facing urban areas. For any legislation to achieve those objectives, it must reflect the concerns of those immediately affected. My bill is a product of California, representing conservation, agricultural, and urban interests.

Critics of my bill have indicated that passage of S. 2016 would represent a severe setback for the State of California. Despite these shrill predictions of doom and gloom for the State of California, the Senate chose to support my bill. The Senate has done so, Mr. President, because my bill balances the needs of urban, agricultural, and environmental interests. The approach by special interest groups does not truly reflect the broad interests or legitimate needs of my State, and it will only result in endless litigation at the expense of California's environment and economy.

Golb: What was happening was political education. In March of '92, the chairman of the committee, Chairman [Bennett] Johnston, assembled a number of the members of the energy committee--Chairman Johnston, Senator Bradley, Senator Wallop, Senator [Conrad] Burns, and Senator Seymour. This was in early March of '92, and they all got together for about three or four days in the energy committee library, which is a small library that's just off the committee room in the Dirksen Building. And they all brought one staff member, so Senator Seymour brought myself. And they negotiated intensely over a period of about a week and a half or so how to come up with CVP legislation.

There were extensive discussions on financial issues, on water supply, on economic concerns, and on environmental provisions. There are a lot of documents that came out of that where water costs and deliveries were examined and where the committee looked at bonding authority and how to pay for these provisions, where they looked at historic water deliveries and how you could develop a financing plan. These documents and these discussions a lot of people don't know about; I don't know if the environmental community knows about it.

Here's one document that's pretty interesting. This was a document that asks the question: if you're trying to get a certain amount of revenue--30 million, 50 million, 100 million--how would you come up with that revenue? We looked at, in these scenarios, how those costs would be charged. On power customers, it would be charged on mills--you know, kilowatts--whereas on water rights holders and agricultural contractors and M and I [municipal and industrial], there would be a certain charge per acre-foot depending on how much money you were willing to come up with. They looked at bonding authority, a thirty-year period at a certain percentage and what the bonding debts would be. These discussions were very intense.

Chall: Who provided, do you know, all that information?

Golb: This information was put together by committee economists, primarily energy committee staff as well as input from the Department of Interior staff. Those folks didn't participate in the meeting, but they did help out with background information.

So there was a lot of discussion at the time in terms of what could you do? How do you take the Miller bill, the Bradley bill, and the Seymour bill, and accommodate or resolve all the differences? And the discussions were productive in that it became clear that these issues were a lot more difficult than it was being characterized in the newspapers--either by the agricultural community or the environmental community.

Senator Seymour Offers Revisions: Fundamental Disagreements Remain

Golb: Ultimately, Senator Seymour made a number of proposals and offered a lot of things that most people don't know about. This document, which is a March 4, 1992, document, provided options and really was the negotiation document that Senator Seymour used. You can see that he made--this is actually the document he used--his marks in the margins are his marks [shows document].

Chall: And he made specific changes in 2016?

Golb: He made offers to increase the amount of water that was provided for the environment, above and beyond what was in his bill. He offered, as you can see here, on "project purpose"--authorizing the secretary to undertake a number of measures to mitigate the impact of the project which wasn't really in 2016. He made offers on water transfers. When it comes to upfront water, he committed 600,000 acre-feet upfront with additional water over a period of time in installments. He made offers on new facilities, on contract limitation--

Chall: What did he do there?

Golb: He insisted on a forty-year contract but allowed for flexibility in future negotiations. As you can see here, he also offered to go down to twenty-five years. He made specific offers in terms of fish mitigation measures, in terms of refuge water supply, and a whole host of other issues.

He knew by that point that there were major problems with all three of the bills. He was trying to go a little bit closer to our opponents, and they did the same. This document reflects the nature of the discussions and Seymour's efforts to compromise.

Chall: Is it a markup? Did he offer them as amendments to 2016?

Golb: What the senators were doing was they were negotiating among themselves to see if they can conceptually come up with an agreement. And if they could conceptually do it, then what they would do is direct staff to go put it together. But Seymour--and this was actually something I was going to show you--these are two documents from staff regarding discussions on CVP legislation that had gone on for a long time. You can see that members of the energy committee, as well as members of the governor's office and Senator Cranston's office, and from the environmental community had all been involved. These discussions were going on for a long time. When the senators got together, they were attempting to negotiate a solution--to come up with a deal. If they would have

had a deal, then that would have been incorporated into some amendments.

Ultimately what happened is that at that point, they could not reach agreement, and there was a fundamental disagreement, and Senator Johnston, who was struggling to get the energy bill out of the Senate at that time--which was his priority--didn't want to focus the time on CVP legislation. He had put a lot of time into it, and his staff director, Ben Cooper, who is an excellent Senate staff person, was working really hard trying to manage two difficult issues.

On the one hand, he had this energy bill that he was overseeing and trying to get out of the Senate for the chairman of the committee. Alternatively, he had now this major fight brewing among committee members on this water legislation that had all these projects in it--a third of the Senate basically had a project in there--that they wanted out. So they were trying to find a solution as quickly as they could that would maximize politically their options and minimize disturbances to the energy bill.

The option that Senator Johnston proposed was to pass the Seymour bill out of the committee--unamended--and to support it on the floor of the Senate. And Bradley went along with it. Senator Bradley, at the hearing, made a bunch of statements about how terrible it was, but Bradley supported the chairman's plan to move Seymour's bill, S. 2016, out of the committee unamended.

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Golb: The evidence that he agreed with it is the fact that he voted for the bill to be sent out of the committee, did not offer any amendments in the committee, did not offer any amendments on the Senate floor.

Chall: And that meant that--I understood that Senator Seymour was told either to amend his bill or negotiate in the conference.

Golb: No. The chairman's deal denied Seymour the ability to amend his bill, but Seymour continued to negotiate in the remainder of the debate. The chairman's deal also, besides preventing the Seymour bill from being amended, tied all of the western projects together.

Senator Bradley was attempting to negotiate with Seymour, and they were attempting to do it one on one and in the committee. Senator Bradley came by Senator Seymour's office a number of times. They would speak on the Senate floor; they would take the elevators; they would take the small train over to vote; they would

see each other in hallways, events--they spent a lot of time together talking and trying to come up with a solution.

Ultimately the biology, law, politics--it just didn't mix. So the deal they agreed to at that time was to pass 2016, the Seymour bill, out of the committee unamended, off the Senate floor, and attempt to engage in negotiations in a conference between the House and the Senate. Senator Seymour's statement at the committee was pretty clear where he said he recognized that they were passing his bill out but yet there needed to be amendments, there needed to be changes to it, and we've got the statements here.

Senator Seymour's View of the Committee's Maneuver

- Chall: I know the environmental community was shocked when this came out, but I was wondering whether Senator Seymour was equally surprised or unsure of what the ultimate end would be. I gather from you that he knew what was going on.
- Golb: Well, we were there when Senator Johnston said, "Okay, I've got a deal you guys can't refuse. How about we pass out 2016?"
- Chall: What did it mean to you? Did it mean that you might ultimately get those amendments through?
- Golb: We knew that getting the Seymour bill through Congress was a long shot. But the 2016 bill was never intended to do that. What it was intended to do was to put some ideas and some concepts into the debate that focused on the problems of fixing fish and wildlife problems in the Central Valley. His bill wasn't-- You know, it's been mischaracterized by some people that never worked in Congress. The Seymour bill was an attempt to get some legitimate ideas and constructive ideas into the debate. And it succeeded because a lot of the provisions from his bill were ultimately included in the final legislation.

So in one sense it was a success; on the other hand, when it was passed out of the committee, we did wonder if we could get it through the conference. I don't think we ever deluded ourselves that we would get it unamended through Congress, but we thought it might be a vehicle from which to build on. Again, the political nature of the debate was such that they didn't want to give Seymour any credit in an election year, so they refused to even negotiate from his bill as the basic point of legislation.

The Agriculture Community

Chall: Those revisions that he was willing to make, were they acceptable to the agriculture community?

Golb: The agriculture community didn't know about many of those provisions. There just wasn't time to talk with all of the members of the farm community about the debate. The political process in Washington, is such that sometimes you have to move fast, and there's just not time in a state with thirty million people to communicate with all of your constituents.

We had met with so many people and were in close communication with so many members of the urban community, the environmental community. I talked to Carl Boronkay probably twice a week. I talked to the farm interests daily. I talked to some of the environmental groups on a regular basis, sometimes daily. We met with Dave Weiman, who was the environmental groups' representative repeatedly throughout; anytime he called, we met with him. We met with the state of California, with the White House. We had been in such close contact with all of the interest groups that we felt that we had a pretty good idea of how far they could go, and Seymour pushed it right up to the edge.

Senator Bradley, in those discussions, agreed with Seymour on probably more points than he disagreed. But on some of the points that he disagreed, they were so fundamental to him that he couldn't accept it. Senator Johnston actually disagreed with Bradley on some of those points as well.¹

Senator Bennett Johnston's Mark

Chall: I see. Senator Johnston did have a mark out. He had a bill--

Golb: That's right. Which was worse than all the other bills combined. Senator Wallop wrote Senator Johnston a letter where he stated his concern, and was really perplexed as to why would a chairman of a committee whose job it is to move things along and build consensus with committee members, why would he put out a committee mark--a chairman's mark--that was so divisive, so one-sided, that it didn't further the debate; it polarized it.

¹More on the issue of the passage of the Seymour bill and the concern of agriculture on pages 42-43.

I'll give you this letter to put in the archives. This is a February 24, 1992, letter from Malcolm Wallop to Bennett Johnston, the chairman of the committee. One of the provisions in it says, "The chairman's mark incorporates the most onerous provisions of both the Bradley legislation and a staff draft which was circulated in November. It would undercut the agreements which have been achieved in California between the urban and the agricultural interests. In addition, it frustrates the considerable progress which has been made with the conservation community."

That's a pretty tough letter, and Senator Wallop says he's perplexed as to what the objective is in putting forth the proposal. Then he says, "Frankly, several members of our committee do not see the mark as a step forward but rather as a severe reversal. We do not see how it forms any basis for discussion and hope you do not propose it."

Chall: It was one-sided in terms of environmental--?

Golb: Yes.

Chall: Did any of you have any idea why he would have done it?

Golb: To this day I don't know. We knew it was going to happen; his staff told us. I don't want to mischaracterize; they were very professional about how they conducted themselves. Senator Johnston is a fine senator, and was a good chairman of the committee. His staff worked very hard, and they were very upfront with us. Our offices were right across from one another in the Dirksen Building so I would see many of his staff throughout the day. You're walking down to get lunch or you're leaving at the end of the day, so we would see these folks all the time, and we talked on a professional level. And they told us the chairman felt that there needed to be some further direction, and he was going to put out onto the street--he never introduced it as a bill, but he was going to put this draft out that he felt would move things along. Again, Senator Wallop wrote the chairman a really tough letter because the chairman's mark didn't further the debate; it polarized it.

Again, there were attempts by a number of people to make this thing work, including Senator Johnston's staff. [shows document] This was a memo that went from the chief counsel--the chief staff person on the committee, Ben Cooper--to the senator regarding how to make these negotiations move ahead. You can see in this document that it includes some revenue concepts, authority on how to spend some of the funds, how water would be provided for fish and wildlife purposes, and how other issues would be worked out--contracts, transfers of water. You can see that some of this was

PAUL BUMPERS, ARKANSAS
WENDELL H. FORD, KENTUCKY
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JEFF BINGAMAN, NEW MEXICO
TIMOTHY E. WIRTH, COLORADO
KENT CONRAD, NORTH CAROLINA
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PAUL WELLSTONE, MINNESOTA

MALCOLM WALLOP, WYOMING
MARK O. MATFIELD, OREGON
PETE V. DOMINICKI, NEW MEXICO
FRANK H. MURKOWSKI, ALASKA
DON RICKLES, OKLAHOMA
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LARRY E. CRAIG, IDAHO
JOHN SEYMOUR, CALIFORNIA
JAKE GARN, UTAH

United States Senate

COMMITTEE ON
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WASHINGTON, DC 20510-6150

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February 24, 1992

The Honorable J. Bennett Johnston
Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Bennett:

I am writing concerning the "Chairman's Mark" on the Central Valley Project which you circulated last Thursday. I reviewed a copy over the weekend and am perplexed as to what your objective is in putting forth this proposal.

I understood from our earlier conversation that you had intended to try to bridge the differences between the legislation introduced by Senator Bradley and that introduced by Senator Seymour. Unfortunately, this "Mark" incorporates the most onerous provisions of both the original Bradley legislation and the staff draft which was circulated in November. It will undercut the agreements which had been achieved in California between the urban and agricultural interests. In addition, it frustrates the considerable progress which had been made with the conservation community.

In your tiered pricing structure, you will subject farmers to full cost water on their last increment no matter what the size of their farm and even if they are in full compliance with all provisions of Reclamation Law. Even President Carter with his "hit list" never tried to penalize farmers in that fashion.

In the past, you had been supportive of this Committee's and the Senate's hostility to the Gejdenson amendment on surplus crops, which would have required farmers to elect between paying full cost for their water and participating in a commodity program. In this legislation, you require full cost for anyone growing a commodity crop even if they do not participate in the program. That provision is destructive of the Agriculture programs, contrary to Reclamation law, and will have serious consequences on the environment, especially where certain crops, such as rice, have produced artificial wetlands, habitat, and forage for migratory water fowl. Whether intended or not, this provision will destroy any hopes for a peaceful resolution in California.

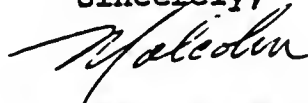
The Honorable J. Bennett Johnston
February 24, 1992
Page Two

This legislation would also be impossible to implement. Rather than contributing to a solution to the fish and wildlife concerns in the Central Valley, it would frustrate any ability of the State of California to make decisions. Since the Central Valley Project controls slightly less than half the developed yield of the Central Valley, it can not resolve all the problems. This year, the Bureau has announced that it will deliver only 2 million acre feet of water, yet your legislation would commit almost 3 million acre feet to fish and wildlife. Even in a wet year, the effect of your measure would be to eliminate any deliveries to agriculture contractors. That conclusion is reinforced by the other provisions in the legislation, especially the reformulation of the Project purposes.

I cannot support punitive legislation which, I believe, would cripple the Project and have severe repercussions on both the environment and the economy of California. Frankly, several members of our Committee do not see your "Mark" as a step forward but rather as a severe reversal. They do not see how it forms any basis for discussion and hope that you do not propose it.

I remain willing to work with you, Senator Seymour, Senator Bradley and Senator Burns to develop a responsible approach to California's problems. I regret that this "Mark" is not the basis on which to begin those good faith negotiations.

Sincerely,



Malcolm Wallop
Ranking Republican Member

MW:jb/als

provisions that Seymour authored. Senator Johnston agreed with Seymour's language. On contract renewals, they agreed on a forty-year contract. They agreed the transfer of the project to the state was a good thing. There needed to be a lot of provisions worked out, but they believed the transfer of the project to the state was good.

Chall: Does this say '95?

Golb: That's correct.

Chall: And when was this written? Oh, I see, that was until '95.

Golb: What they were going to do was make the Seymour language law for three years and then state law would preside over water transfers. You can see here that the amount of water to fish and wildlife is 600,000 acre-feet, which is the same number Senator Seymour offered during negotiations, in the document that I showed you a minute ago.

I hope what these documents show you, and what you've read in my journal, is that Senator Seymour made a number of offers on substantive matters above and beyond what was included in this bill, and was attempting to negotiate in good faith to solve the problem.

Governor Pete Wilson and the CVPIA Debate

Chall: Some environmentalists assume that Senator Seymour was more interested in negotiating and making changes than was Governor Wilson, that Governor Wilson was so tied to the Fresno farm interests--I guess that's how it's put--water/ag people--that he even didn't like 2016--but that may not be correct. They believe that Governor Wilson was unwilling to make the kind of compromises that Senator Seymour was willing to make. Was that a problem or is that just a rumor that I picked up somewhere along the way?

Golb: Part of the problem is--and this isn't their fault--but a lot of the farmers and the environmentalists that had some kind of a role in this debate were so far removed from Washington that they're just unfamiliar with politics, and they're unfamiliar with policymaking. That's not to say that a lot of them don't have a lot of experience in these particular issues they work on, but most of them are really unfamiliar with the workings of a legislative process, particularly in a debate this big.

What happened is that, you know, the rumor mill--whether it's a coffee shop or whatever--was substantial. From what I saw, Governor Wilson was actively engaged. He spent a tremendous amount of time on this issue at a time where he was in the midst of getting a budget with the state legislature which was extremely divisive. He flew back to Washington on a number of occasions and sat in meetings with Senator Bradley, Senator Johnston, Senator Wallop, Senator Burns. I personally participated in some of those meetings with the governor. He spoke with Senator Seymour on a regular basis. His administration was actively involved in this debate--particularly Dave Kennedy and Doug Wheeler.

Chall: But what was their take on this? Were they adamantly opposed to even the kinds of amendments that you just showed me: going to twenty-five-year contracts and 600,000 acre-feet? My feeling is that had they known, they wouldn't have accepted it. That may not be true; you say they didn't know. But ultimately they did know, and toward the last--which we'll go into--in September and October, there seems to be a considerable amount of uncertainty about what the agriculture people will accept.

Golb: Governor Wilson, in meetings that I sat in, personally told other senators in the debate that he was supportive of John Seymour's position, that he was supportive of the direction that the Seymour bill took. He opposed the Bradley bill, he opposed the Miller bill. And Wilson felt that the best way to proceed ultimately was to have the state of California operate the Central Valley Project, and that's where he began to focus most of his effort. His administration supported that position.

Transferring the Central Valley Project to the State

Chall: Now tell me about the idea to take over--either buy or manage--the Central Valley Project. I noticed somewhere in here [journal] that you had discussed within the staff, whether it was the right thing to do. Apparently the staff did discuss this.

Golb: Oh, yes, the staff discussed it extensively.

Chall: What did you conclude?

Golb: A lot of staff felt it was appropriate. On a public policy standpoint, it made sense. The project's here, the land's here, the water's here, the constituents are all here, and even though these federal decisions can be taken in Washington three thousand miles away, it affects their lives here. So it made sense from a

lot of perspectives. If the state owned the project, they could manage it, and they could solve these problems a lot easier than the federal government could. So there was a natural sympathy or affinity toward the state owning the project, but politically there were some concerns with that.

I think a lot of the environmentalists felt that politically the state takeover effort was just a ploy to stop the legislative effort. I think some of the farmers felt that the state, if they took it over, would have to increase the costs so much that farmers wouldn't be able to pay for water. I think George Miller felt that if the state took over the Central Valley Project he would lose one of his favorite projects to oversee. So he was opposed to it. Senator Bradley repeatedly said that he supported the idea of the state taking over the project. He said that in meetings with John Seymour which I attended as well as in the negotiating session with the other senators.

I think that philosophically there was a lot of support for it. Procedurally it was kind of difficult, and the timing wasn't so great.¹

So there was a lot of effort here--again, we talk about how political the debate was--we kept getting away from the policy issues and what's the best way to increase salmon population and other fish in the Sacramento River or more water for refuges.

Chall: Or transfers.

Golb: Or transfers. What's the best way to transfer water? Right.

Chall: Those were the three primary issues: fish, refuges, and water to transfer.

Golb: With some people. With others, there were other major objectives. But those were clear. The ultimate legislation--there were two major provisions of it essentially: moving more water from agricultural to urban users and resolving fishery problems.

Chall: One objective had to do with contract renewals and things of that sort. But that's an age-old problem.

Golb: Contract renewals, if you think about it--

Chall: They tied it to conservation.

¹See also pages 66-67.

Golb: Yes, it's tied to conservation, it's tied to water pricing. I mean, these are things that are legitimate issues to be resolved, but again, those issues aren't directly related to the salmon problems or the water transfer problems directly. So they detracted a little bit from what we felt should have been the focus. And that was part of the problem. The political debate overrode some of the policy issues. The policy got ambushed by the politics at just about every corner of the debate.

The Continuous Round of Phone Calls, Conferences, Meetings Prior to the Energy Committee's Decision to Move the Seymour Bill

Chall: Let's see, I noticed in your journal something to do with insurance, which is probably not too related to the bill. I didn't understand the meaning of the entry.

Golb: We met with the Prudential Life Insurance Company based in New Jersey, which is where Senator Bradley's from. At the time they had a tremendous amount of loans outstanding in the Central Valley. Prudential had a portfolio exposure of over a billion dollars. That paper isn't worth a whole lot if the paper you're holding is going to farms that can't get any water. So they were extremely concerned, as were some of the other insurance companies and banks that had made loans over the years to farm interests in the Central Valley. They were very concerned because they had huge financial exposure. So when you start taking water away from those farms, it has an impact on their lending rates, it has an impact on how their loan structures are set up. So all of a sudden what becomes a pretty simple idea, which is what a lot of people had--"Hey, let's just reallocate a little bit of water from these farmers"--becomes a pretty complicated process in that the banks that they have mortgages with for their homes and their equipment and their land--suddenly these loans become more difficult to pay back. It gets complicated.

Chall: So that's really what that entry was related to?

I wanted to go into some of the meetings that you had in March 1992. This was before, of course, the bill [S. 2016] came out of committee. But you were having quite a number of meetings, as you've already said. In one of your notes, March 12, Seymour apparently is uncertain about what is going on, and he asked, "Tell me what to do." What did that mean?

Golb: During the business meeting?

Chall: It's March 12 in the journal.

Golb: That was during the business meeting. It's also reflected in the committee hearing notes. There were a series of amendments that were being offered, and we were going to offer an amendment unrelated to the CVP legislation. Ultimately Seymour and Bradley were able to work out an agreement, and so we didn't need the amendment. Bradley was going to offer the amendment, but it worked out for us well.

So the committee staff thought there was a Seymour amendment when there really wasn't. There was really a Bradley amendment and so when the issue came up, and the chairman is saying "Seymour amendment", and Seymour didn't know he had an amendment, so he's saying, "What?" and I'm trying to tell him you don't have an amendment; Bradley's got it. Seymour's listening to the committee staff saying, "Well, I don't have a Seymour amendment."

Chall: Oh, I see. Terribly confusing.

Golb: Yes, it was just a confusing situation, and it's just one of those things that happens when you're moving so many bills through in a short time period.

Chall: On the 17th you indicate that you were conferring with [David] Kennedy and [Larry] Goldzband. He was a deputy of Wilson?

Golb: Larry Goldzband was a deputy cabinet secretary to Governor Wilson; he was one of the governor's senior staff.

Chall: And then you referred to the Kennedy-Wheeler rift. What was that and what did it mean to the movement of the CVPIA?

Golb: In the grand scheme of things? Not much. There was just a difference of opinion on how to proceed. I think Dave Kennedy looked at this from one perspective, and Doug Wheeler looked at it from another. They are both strong personalities; each had very good points. I think Doug misread the political nature of the debate a little bit, and I think Dave understood that a little bit better. Dave has the benefit of having been through a lot of issues like this, and while I respect both of them, I think Doug just misread the debate a little bit and thought that we would be able to work a little bit closer with Senator Bradley and Congressman Miller.

I think by the end of the debate Doug realized that their objectives were not the same as ours. Again--and this gets back to the political/policy angle. Doug is a very thoughtful guy who had put together a lot of ideas on how you could fix some of the

fishery problems in the Central Valley, and those ideas weren't really being considered and when he would try to broach those ideas in Washington, they really didn't go that far. And the reason they didn't is because people I think weren't really interested in solving a lot of the problems.

There was some disagreements between Doug Wheeler and Dave Kennedy as to how the governor should proceed. It did not affect John Seymour's position, and I believe that they were able to resolve their differences. And what I saw was Governor Wilson proceed in a manner that I thought was appropriate.

Chall: Was Governor Wilson less willing to compromise than Wheeler on some issues?

Golb: Well, Doug Wheeler is an appointee of the governor, serves at the pleasure of the governor, takes his direction from the governor. Anything that Doug is going to do is going to be at the behest of the governor.

Chall: Mr. Peltier said that the state was not involved, and that there was a heavy denial that the bill would pass. That's in his oral history. Do you have that same feeling?

Golb: No, I don't. Maybe Jason and I just view this in a different perspective, but I think the state recognized that there was tremendous risk from what Miller and Bradley were proposing. But they had just taken office here in California, the governor had just gotten in office, he was embroiled in a tremendous debate over the budget in the state. We have the hindsight now of saying that that worked out well given that California now has a budget surplus. So he was heavily involved. He had his own fight on his hands.

But he had his top staff people involved in this debate on a personal level: Dave Kennedy, Doug Wheeler, Larry Goldzband. I was in constant communication with those folks. Senator Seymour spoke with Governor Wilson on a regular basis, sometimes daily. We exchanged a lot of information through fax and federal express, and the governor was personally involved. Again, I sat in a number of meetings with Governor Wilson and Senator Seymour here in Sacramento and in Washington, D.C. The governor was up to speed, he knew what was happening, and he acted appropriately.

Chall: In the same March 17 entry of your journal, it says "Push the Bradley bill." You met with Senator Burns, Senator Bradley, Senator Johnston, and Senator Seymour. They all met. If I'm correct, this is March 17, 1992. What do you mean by "Push the Bradley bill"?

Golb: You know, I need to look at that entry to tell you.

Chall: When I took notes, sometimes things would sort of leap out at me. Eventually they didn't mean anything, but sometimes they did.

Golb: This was the meeting from the previous Tuesday where all the senators were meeting in the library in the Energy and Natural Resources Committee and talking about what the options were. In this particular section, Senator Johnston was getting frustrated because the financing didn't work out. Senator Johnston thought that if the environmentalists want all this water for fish--which no one ever quantified in terms of how would it be provided to the fish, at what times of the year, on what river systems--the Feather River, the American River, the Sacramento River. Is it going to be in January that we're going to make this water available? Is it going to be in March? None of that information was ever available, but Johnston said, "Well, the heck with all that. Let's just build some more projects, by God." Build more storage. "Let's provide the water from the storage facilities for the environment." Which made sense to a senator from Louisiana.

That idea--I think that philosophically we thought that was a good idea, but we also realized that that probably wouldn't work. And so in this particular entry Senator Johnston got pretty frustrated and said, and I quoted this: "We either try to work something out here or we'll just push Senator Bradley's bill." But I think what happened is that Senator Johnston realized that the Bradley bill had as many shortcomings as any of the other bills, and the Seymour bill was the only one that had any consensus whatsoever in California.

The Bradley bill was supported by the environmental communities. Strongly supported. The Miller bill wasn't really supported by very many people; I think the environmentalists supported the Bradley bill more. But the Seymour bill at that time did have the support of MWD and some other urban entities: San Diego County Water Authority, some other groups, and some business ventures. I have some letters here that I can make available to the record. So there was--

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Chall: Oh, I see. That's a good explanation for that entry.

Golb: So Johnston, in a very shrewd move, ultimately got the committee to support the Seymour bill. It also did some other things; it also had the effect of tying CVP legislation to 429.

Chall: Yes, right.

Golb: It was a very shrewd move.

Chall: It was an important milestone.

The Agriculture and Environmental Communities Try to Understand the Committee's Decision

Golb: And that was mischaracterized by a lot of people in the media and some of the constituency groups in that they all said, "Oh, my gosh, this is doom and gloom. This is terrible." I don't think many of them listened to what was being said by the principals, by what the senators were saying. What the senators all said--Senator Johnston, Senator Bradley, and Senator Seymour--at the following committee hearing was, "We're doing this to move the process along and to continue negotiations and discussions on the legislation." Which we did. We didn't reach agreement ultimately, but it did continue on, and Seymour did continue to negotiate, did continue to make offers on how his bill could be amended.

Again, Seymour was unable to amend his bill because the committee and the legislative process didn't allow it. And the agreement with Bradley and Johnston was no amendments.

Chall: Did that in a way almost mean a no-win situation for him?

Golb: For Seymour?

Chall: Yes.

Golb: We felt it wasn't a great situation. Some of the newspapers portrayed it as a victory for Seymour and for the agribusiness interests. We didn't view it that way; we viewed it as a mixed bag. We thought it was good that 2016 was included in the package because it raised the level of awareness about all of the other features besides just providing water for the environment, which was really an important part of the debate. People needed to know that the salmon problem we had on the Sacramento River wasn't simply because there wasn't enough water in the river; it was because we had projects like the Red Bluff Diversion Dam that were taking huge numbers of salmon, and that there were other aspects of the state and federal water projects that needed to be fixed.

Those concepts were good, and they needed to reach a wider audience by including 2016 in H.R. 429--at that time, it did

accomplish that. But we also recognized the limitations of being unable to amend the bill, which we looked at as very serious. And I've showed you how we had tried to understand the issues. You've seen Seymour's handwritten marks on the documents, and there are others. Here is another Seymour document that--this is all his writing--lays out 2016 on the right side of the page and on the left side is his new proposal in terms of what he was thinking of at the time. You can see that there is tiered pricing provisions in it, there are water transfer provisions in it, there's a transfer provision here, there's upfront water, there's a restoration fund, contract links to twenty-five years from forty in his original bill.

So there was a tremendous amount of movement by John Seymour in those negotiations. It's just that that's not the thing you put in a press release or you tell the L.A. Times. But as a legislator, he did everything he could at that time, at that point, to negotiate with Bradley and Johnston. He made further proposals and further negotiations later on, and when we get to that point I'll show you those documents.

The Business Community and the CVPIA

Chall: All right. Then we'll move on.

During this period in the spring of 1992, there was some correspondence to and from [Richard] Rosenberg--I guess, the head of the Bank of America--and also from Mike Harvey--

Golb: Jim Harvey. The chairman of Transamerica.

Chall: Yes, Jim Harvey of the California Business Roundtable. Also who comes into the picture from time to time is the Bay Area Economic Forum's Mike McGill. Can you tell me something just in general about the relationships you had with these business people? Occasionally you indicated in your journals that there was some correspondence, and you wanted John Seymour to answer this correspondence with the business people. What was their communication with him? I think they were more in favor of Miller-Bradley than they were of 2016, but what was going on?

Golb: I can't speak for Jim Harvey or Dick Rosenberg other than their correspondence, which I saw because I was directed by Senator Seymour to draft a response to them which he ended up rewriting. That happens a lot.

Chall: Of course. It happens to all of us.

Golb: So I saw these letters, and I thought that at the time the letters from Jim Harvey, from Transamerica, and even Dick Rosenberg, were a little bit off the mark in that they were focusing primarily on the water transfer provisions; they didn't understand that better transfer provisions in John Seymour's bill would have resulted in more market-based transfers than what was in Miller or Bradley. Based on their letters, I can assure you that Jim Harvey, the chairman of Transamerica, and Dick Rosenberg of BofA, didn't read Seymour's water transfer provisions. I don't think men at that level have the time to probably do so, and I understand that. But if they would have, they would have seen that his transfer provisions actually embodied many of the concepts that they endorsed.

They put out four principles on water transfers, that came out of basically Bank of America and the Business Roundtable. Those principles were primarily addressed in Seymour's water transfer provisions.

Chall: Do you have that information about their four principles?

Golb: Somewhere amidst these piles, yes. The very first one is that existing water rights should be respected. And then another one is that all water rights should be made as freely transferable as possible, which conflicts with the first one in a sense. And there were two others, but I don't recall what they are.

Chall: If you can't put your hand on it now, you may be able to when you're editing the transcript.

Golb: Anyway, Senator Seymour wrote back to them on May 18, 1992, and I would be happy to make a copy of that letter available.

Chall: Yes, very good. They continued, I guess, right up to the end to be concerned about the bills.

Golb: Yes, they were concerned about the water transfer provisions in the bill, and at the time Michael McGill was spending a lot of time with them at the Bay Area Economic Forum encouraging them to be in the debate. And you know now that Michael McGill is the chief of staff for Senator Feinstein in Washington, D.C.

Chall: Right. I also know that McGill had something to do with Mr. Fazio's suggestion at the end about the commitment of water and

money that went into the debate in the final conference. We'll talk about that.¹

George Miller Introduces H.R. 5099; Revises it to Accommodate Central Valley Congressmen

- Chall: With respect to House bill 5099--I notice you have a pile of them on a chair over there--that was Mr. Miller's bill, and it was somewhat similar to the Johnston mark. After that bill came out, Miller made a deal with Vic Fazio and Congressman [Richard] Lehman and some others which the environmental community considered weakened the bill from their standpoint. But the constituents of Fazio and Lehman were quite upset with them. Can you talk a little bit about that? [Dan] Beard claims that anything they would do would anger their constituents even though, apparently, they were hoping that they were working for something on their side.
- Golb: There was a lot of uncertainty about what was happening. This legislation that was being debated and discussed was unprecedented in terms of the effect that it would have on people's lives, on the water projects, and there was a tremendous amount of apprehension about what would happen and how these things would take place. Any time there was discussion among congressmen or senators about something that might happen, a document would come out, there would be a flurry of activity over what's in the document--what does it do, what does it mean? Analysis would be written and drafted, and all this action would take place. And so it was difficult for any of the congressmen that represent the Central Valley to put something forward that didn't immediately attract a lot of attention. Fazio's proposals probably had more support from Sacramento Valley ag interests than many realized. But alternatively Lehman's constituents were much less enthusiastic about his discussion with Miller.
- Chall: Why?
- Golb: Just because people felt that Congressman Miller was not acting in their best interests. I think if you were a farmer in the Central Valley, and you knew about Congressman Miller or you had seen him give a speech on TV or you had read something that he said in the newspaper, most of the time it was negative about who you were and what you did. So why would you want your congressman negotiating with him?

¹Thomas Graff and David Yargas interview, p. 81.

Chall: I see. General distrust of Congressman Miller in the Central Valley.

Golb: That's right. They distrusted him because of his previous actions. And he did nothing in that debate to change their perception of him.

The Conference Committee

Chall: During this period in May, they were making plans for the House-Senate conference committee. In your May 7 entry in your journal, you write, "Tell Wallop that Seymour wants to be a conferee." Later, you indicate he changes his mind. The agriculture people want him in the conference and Seymour doesn't want to be in the conference. Can you explain that?

Golb: At the time, we were trying to figure out what was the best way to proceed--should he be a conferee, should he not? He always felt that he should be a conferee. In fact, there's a June 2 letter I have here that I'll put in the record from Malcolm Wallop. It says, "Dear John, thank you for your recent letter requesting to be a conferee to the conference on H.R. 429." Seymour wanted to be a conferee; he always did. Except at this point we were feeling that the conference was going to be a slam dunk, that it wasn't going to be a true House-Senate conference; it was a political setup. Seymour was talking to me at meetings saying out loud, "Why the heck should I be a conferee and try to put some more time into this if all they're going to do is [snaps fingers] take the Bradley bill or the Miller bill and just try to ram that down our throat?"

Remember, the way conference committees are structured is that it's the house of origin--in the Senate and the House of Representatives as well as relevant committees. I've got a list here of the conferees on 429 from the Senate and the various committees. In the House of Representatives, there were representatives from the Committee on Interior, the Committee on Merchant Marine and Fisheries, the Agriculture Committee, Public Works and Transportation--there were a lot of people on it. But there were always more--at that point--Democrats than Republicans, more non-Californians than Californians. So we always felt we didn't even get a fair shake at this. Didn't think that we would.

Ultimately, Seymour realized that he had to be a conferee, there was no other choice. He wanted to be a conferee, and he felt that was the way he should proceed. It was funny because the first day of the conference, George Miller came out right off the bat

August 13, 1992

Perspective

Water proposal protects our farms

One of your recent guest editorials criticized me for authoring a bill on the Central Valley Project that is backed by many of California's farmers. The premise of the editorial appears to be that if farmers support something, it must be detrimental to the larger interests of the state.

Nothing could be further from the truth. Over the years, California's agricultural interests have been repeatedly and unfairly maligned by environmental groups, politicians and even some media organizations. These critics can challenge federal water policy and agriculture's use of water all they want, but they have no business making personal attacks on California farmers. These farmers, after all, are the folks who put food on everyone's table.

The farmers have gotten a bad rap, and so has my bill, the Central Valley Project Fish and Wildlife Act (S. 2016). It is designed to solve the overriding problem of California's water policy — namely, finding legal ways to transfer CVP water to non-CVP users, such as our big cities, while apportioning more water resources to fish and wildlife habitats.

Stripped of all the legal language, that's what my bill does. It enables CVP farmers to sell water throughout the state, and dedicates new water for environmental purposes — such as saving our salmon fisheries. It does this, moreover, without wrecking the farm industry or devastating the economies of rural communities in the Central Valley.

The United States Senate approved my bill last spring. More recently, the House approved a competing measure sponsored by Con-

Other Voices



Sen. John Seymour

gressman George Miller — despite the objections of all our democratic Central Valley Congressmen.

A House-Senate conference committee may take up the two reform bills in attempts to develop a compromise measure. The timing of the conference is totally up to George Miller, because he chairs the House committee that has jurisdiction over water issues. I am ready to go to work on this compromise. But George Miller is silent; he's delaying action on compromise.

I think I know why George hasn't acted. His bill, backed by the most vocal environmental extremists in the state, would have devastating consequences for California's environment and economy. Miller claims that his bill, like mine, will enable farmers to sell water to urban consumers. But his bill is so laden with unachievable environmental mandates and confiscatory water requirements that no meaningful water transfers could ever take place. His bill would take so much water from Central Valley farms and cities — up to 2.0 million acre-feet annually — that there would be little if any water left to sell to urban and industrial users.

Miller's bill also claims, erroneously, to benefit the environment, particularly by restoring commercial

fisheries. But Miller's effort to save our salmon could only be accomplished through massive "water reallocations" — taking water away from farm communities.

The real culprit in all of this is not solely the Central Valley Project. California fishery biologists say that the real villain is six years of drought, particularly in Northern California's Klamath River basin. State biologists also cite another culprit: salmon are being eaten by sea lions, a species protected by the Marine Mammals Act. Would the groups so concerned about the fisheries advocate we take sea lions off the protected list so that endangered salmon can live?

More importantly, Miller's bill would hurt California's economy. State economists estimate that Miller's bill could cost up to \$8 billion in lost economic activity, and thousands of jobs in the first year alone.

Finally — and Miller doesn't like to admit this — his bill is a trial lawyer's dream. Why? Because water lawyers will send his bill, if it becomes law, straight into the courts. And it won't just be agribusiness hiring the lawyers. An army of attorneys for special-interest groups and environmental organizations are poised to litigate, hoping to make an end-run and achieve in the courts what they cannot obtain from Congress. In addition to providing work for these highly paid hired guns, Miller's bill includes a "citizen's suit" provision that would allow anyone with a typewriter and a postage stamp to challenge any water transfer in court.

So much for reform.

While trial lawyers make a windfall, Californians and their jobs will suffer under Miller's bill. Cities won't get a drop of new water while the issue is tied up in the courts. Family farmers, unable to borrow money without a firm supply of water, will go broke. And fish and wildlife will continue to suffer, getting no more water than they get today.

The House-passed bill is nothing less than a gilt-edged invitation to years of litigation. It's not reform, and it's certainly not balanced. The only thing it will do, for sure, is continue the gridlock and stalemate over California water policy.

If the House and Senate conferees want to enact a balanced long-term water policy for California, they should support the water transfer policies in my bill. It provides our best hope for restoring fish and wildlife habitats, and our only hope for transferring water from farms to our thirsty cities. The major water districts in the state already know this. That's why my bill is supported by the Metropolitan Water District, the San Diego County Water Authority, the Kern County Water District, and all of the Central Valley water districts.

If George Miller is willing to do the right thing, we can enact an historic water policy bill for all Californians this year. If he's not, California's fisheries and cities will pay the price for his intransigence.

□□□

Sen. John Seymour represents California in the U.S. Senate.

[snaps fingers] and said as soon as the conference started, "Well, we've got a deal. Here it is, I've got this package that I've worked with all my colleagues on--" And Seymour says, "Who did you work with on it?" Miller said, "Well, I worked with all the members of the delegation." Seymour said, "I haven't seen it." And Rick Lehman said, "I haven't seen it." And other members of the California delegation that were on the committee--Cal Dooley said, "I haven't seen it." That precipitated a sharp exchange between Seymour and Miller over the fact that actually Miller had drafted a document, hadn't shown it to anybody except Vic Fazio five minutes prior to the conference, but yet told everybody he had a consensus package.

So Seymour's fears were realized in that they tried to ram something down his throat.

Senator Seymour's Stamina: Dealing With the CVPIA and His Election Campaign

- Chall: I would guess that about this time--this is getting into September almost--what with the elections, Seymour might have been having real problems with nerves, being tired, being unsure of a lot of things. It must have been difficult to keep his mind on this.
- Golb: He worked very hard; he was very committed. He took the commitment of being appointed to the seat seriously, and he wanted to win the election, and he worked very, very hard. Most of the time he would fly out to California on a Thursday afternoon or Friday morning, he would return on a red-eye on a Sunday night, and he would get into Washington, D.C., about four or five in the morning. Somebody would go out and pick him up and take him back to his house, he would have a shower, say hello to his wife and kids, get dressed, and he would be in the office at seven or eight in the morning. He would work a full day and stay there as late as the session required.

He did that almost for two years. He couldn't sleep on planes, so he didn't sleep much--it wasn't like he was napping. He was very engaged. He called me in the morning [chuckle] a number of times very early, and he would call me very late. I had dinner one night with Dave Kennedy at a place in Washington, D.C.; we had just finished dinner, we were looking at the dessert tray, and the waitress came out and said, "Is there a Rich Golb at this table?" Needless to say, I didn't get dessert.

So he was very engaged, and he worked very hard, but yes, it wore on him. It would wear on anybody. I mean, flights from California to Washington and Washington to California are pretty rough when you do it once a week.

Chall: That would be rough enough, but in addition if you're trying to run a campaign in an election year--

Golb: A statewide campaign in California.

Chall: Then you're having real difficulties.

Golb: His work ability was pretty amazing; I haven't seen anyone work harder than he did. He worked very, very hard. A lot of people don't realize this, but the night that he was actually on the floor filibustering against 429, he had flown out to California the previous weekend to see his son who was in a treatment program. And based on the circumstances, his son could only have visitors on certain days, and that Sunday was a day that he could have a visitor. So the senator flew out and visited his son and came back to Washington on a red-eye, got back into Washington at five or six in the morning on Monday.

At nine or ten o'clock Monday night, Senator [Alfonse] D'Amato began his filibuster in which Seymour joined in. We were up all night and through the next day, and that wasn't resolved until three o'clock the next afternoon. So the guy didn't sleep for over two days and was sharp as could be. He was probably exhausted, but didn't show it. Quite a guy.

The Somach-Graff Negotiations

Chall: We're going to back up a bit and talk about the Somach-Graff negotiations. Then I would like to ask you also about the meaning of a Dooley-Lehman deal or draft which comes up toward the end of September and early October. Talk to me about the Somach-Graff negotiations.

Seymour was apparently quite upset after it was all over, and I think it's quite interesting when he asked, "What am I? A mushroom? Kept in the dark and fed B.S.?"--I guess that's a fairly accurate account, from your journal.

Golb: Yes, he asked me that. He was in California, and I hadn't had a chance to brief him on this. So when he got there [Washington], he had a memo on his desk that I had written for him. He got the memo

and said, "Where is this stuff? I want to see it; what's going on? What's up? What am I? A mushroom? Kept in the dark, fed B.S.?" So we sat down, and I briefed him.

Chall: But the Somach-Graff meetings had been going on for almost a week or more. They had been asked to meet by--Mr. Peltier says it was his G-4 group who asked Somach. Tom Graff said he was called by Joe Raeder of Dooley's staff. But however it was done, I mean, each one of them was asked because you were obviously--both sides-- at an impasse and felt that something must be done. So they asked these two people, who were both credible in terms of their sides, to get together.

Tom Graff says that they met on June 8, 9, 10, and 11; most of the time just the two of them. When they were ready to present the draft on June 16 Somach was called out and told that he couldn't go in and brief the sides because Governor Wilson had, at the behest of Mark Borba, decided it was the wrong approach. So how did Seymour react, once he found out about it--

Golb: The Somach-Graff draft came out on June 15. Seymour was out of the office and came back in on June 16, the next day, and said, "What's going on?" And then you saw in my journal probably why I gave him a copy of the whole document.

Chall: And he asked Somach to come in and brief him too, right?

Golb: Right. And he talked to Tom Graff about it, I believe. Seymour was supportive; he thought it was great that Tom and Stuart were working together. And again, that's why he respected Tom Graff so much. He felt Graff was a stand-up guy. Graff knew there was a problem and thought there was a way to solve it. They avoided all the political games and attempted to do it. They sat down, and he and Stuart worked very hard.

Stuart deserves a lot of credit. He was criticized by some of his clients and some folks for attempting to do this, but they were trying to solve the problem, and that's the way the issue should have been handled--a sincere attempt to come up with something. And they did; they came up with it on the 15th, and it went out. There are a lot of stories about why there wasn't a negotiation, and whether or not Stuart was told not to go into the room or asked not to go into the room and negotiate or--

Chall: Isn't that pretty well understood, that he was told not to go into the room?

Golb: That's the story that goes around.

Chall: You don't believe it? You think there's another story. Let's have another story.

Golb: Well, has anyone asked what happened inside the room when the meeting occurred? When Tom went in by himself?

Chall: Well, he was pretty well beaten up.

Golb: Environmentalists beat him up, and George Miller just skewed him up one side and down the other.

Chall: They didn't like his side either.

Golb: They thought it was terrible.

Chall: But they did allow him to go in and explain it.

Golb: Sure, they just wanted to hear how bad it was so they could then beat him up. That's a very telling portrait of what was happening in the debate. Here is a respected member of the environmental community, one of the more senior members, Tom Graff, who goes out and comes up with a document, goes back to Washington, and the so-called environmental congressman beats him up for negotiating something that probably would have done a lot better than anything else introduced at that point. That says a lot.

And as for the other side, there were a lot of farmers that thought Stuart had made a mistake, had misstepped. They didn't want him negotiating. Some of them didn't want him negotiating with Graff, and some of them didn't want to negotiate with Miller. But again, I thought Stuart was doing the right thing, and Seymour was very supportive of both Somach and Graff, and thought the document they produced was a step forward.

Chall: It worked its way into the final document, too.

Golb: Some elements.

The Ongoing Debate Over the CVPIA

Chall: But taken how they had left it--a lot of it for further study, and all that sort of thing--it just occurred to me the other day thinking about it that maybe you would still be debating it today. Not that you're not still debating it.

Golb: Just because President Bush signed CVPIA, that hasn't ended the debate. There are major provisions in the law: the water transfer section, the 800,000 acre-feet for the environment, the contract renewal provisions, and a lot of the fish and wildlife elements. There haven't been any water transfers from ag to urban, so the water transfer section needs work.

The Bureau of Reclamation can't identify what the 800,000 acre-feet is going for, where it's going, or how it's being utilized. The contract renewal provisions have just been a disaster in terms of the way the bureau has attempted to renegotiate contracts with the water districts. Many of the provisions in the bill aren't going forward because the bureau is not allocating the \$50 million a year that the water and power contractors are paying into this fund.

Chall: They are paying it into the fund?

Golb: Yes, \$50 million a year. And those funds have to be allocated by the bureau, and the bureau's not allocating all of the money; only small amounts of it. And I think if you talk to a lot of the members of the environmental community or Tom, he'll tell you that the bureau is using too much of the money for overhead and bureaucracy.

The fish and wildlife problems haven't entirely gone away. Some of the major problems that people were legitimately attempting to resolve haven't gone away. We have a law that has lots of flaws in it; it's only partially working. Again, that is a function of a debate that was characterized more by politics than policy.

Chall: So you really don't think much at all of the bill. Is that right?

Golb: I think something had to be done. I won't dispute at all the tremendous problems with fish and wildlife, and the fact that the projects have created most of those problems--or a good portion of them. I don't dispute that at all. I think we needed some legislation. Senator Seymour offered a bill that he said was a first step. He made offers that exceeded the provisions in his bill; he attempted to go further than that, and he would have gone further had there been more time.

But again, because it was a political debate and because various members of the interest groups were continually making it a political debate, there was an urgency to get something done. Because there were a lot of individuals that headed large organizations that felt that they could cut a better deal and get what they wanted and would jump ship from one bill to another in order to get that, that played into this whole process of just

getting a bill. And what they got was a law that doesn't work very well. We needed something. We didn't need that law.

Chall: Are you as concerned about the twenty-five year contract renewal limits as Mr. Peltier? Do successive twenty-five years seem as disastrous to you as it did to him at the time?

Golb: Jason was in a difficult position at the time in terms of where things were in California and what was happening. I think that from our perspective--well, more appropriately, it's Senator Seymour's view, having been involved in a lot of financing issues as a real estate developer--including some large projects--he knew that twenty-five years wasn't as good as forty years, but under the circumstances it was sufficient.

Chall: Why don't we just go into the last month? But in between, is there something on the table here that you want--

Correspondence Between Senators Seymour and Bradley

Chall: I did start to ask you what you might want to talk about that we hadn't covered thus far.

Golb: Following this chronologically, it's pretty clear now--based on some of the documents that you've seen and that I'll make available--that Senator Seymour was very much engaged in the issue, he spent a tremendous amount of time on it, it was a priority for him. He attempted to negotiate extensively with Senator Bradley and other members of the Senate. He met with all of the different interests at one point or another, and he was doing his best to come up with a package that would work.

There's some additional documents here that I'll make available to you. One is a January 3, 1992, letter from Senator Seymour to Senator Bradley, expressing again a desire to attempt to negotiate more. This was after the hearings had ended by now and the beginning of the new year. Then Senator Seymour again responded to Senator Bradley later that year in September with a letter--September 18, 1992--outlining some of his major priorities in CVP legislation and again reiterating that he wanted to continue to negotiate, to try to keep going.

Here's another letter that's interesting. This is a September 17 letter from Bill Bradley to John Seymour. It says, "I'm writing to follow up on our conversation last night. You asked me whether I was open to making changes to the House offer on the CVP title of

J. BENNETT JOHNSTON, LOUISIANA, CHAIRMAN

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United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510-8150

*Copied Terri -
Orig to Senate
9/17/92*

September 17, 1992

Honorable John Seymour
United States Senate
Washington, D.C. 20510

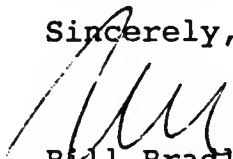
Dear John: *John*

I am writing to follow up on our conversation last night. You asked me whether I was open to making changes to the House offer on the CVP title of H.R. 429. As I said last night, and have said to you previously in hearings on the CVP and during other conversations, I welcome your ideas and would be pleased to receive your recommendations on CVP reform. I am quite prepared to accept constructive amendments.

You have not offered any written proposals to me, nor, as I understand it, has your staff communicated proposals to my staff or to the Majority staff of the Energy Committee.

Given how little time is left in the session, and the importance of passing H.R. 429, I certainly hope that you will be able to bring your ideas forward soon, within the next day or two, so that the Conference Committee has time to consider your views.

Sincerely,



Bill Bradley, Chairman
- Subcommittee on Water and Power

RECEIVED SEP 17 1992

United States Senate

WASHINGTON, DC 20510-0503

September 18, 1992

The Honorable Bill Bradley
United States Senate
Washington, DC 20510

Dear Bill:

As I have said to you personally and in writing, I am committed to working with Chairman Johnston, Senator Wallop, yourself and other members of the Senate Energy Committee to develop responsible legislation which addresses legitimate fish and wildlife problems in California's Central Valley Project.

I appreciate your offer to review any ideas I may have on how we should resolve the outstanding issues involved in CVP legislation. I am, however, somewhat perplexed by your suggestion I have not offered any written proposals to you. I'm sure you would agree I was very flexible in offering several proposals as we attempted to craft compromise legislation earlier this year in the Energy Committee library with Senators Johnston, Wallop, and Burns. While I was willing to continue those discussions, I am unaware of any efforts to maintain them. As you recall, after considerable discussion we all realized that the "Chairman's Mark" and various versions of it were simply unworkable and too costly. The proposal offered by Congressman Miller and yourself contains many of the same onerous provisions.

In an effort to move the other titles in H.R. 429, the Committee and Senate passed S. 2016. I would hope you would consider this bill which includes twenty-two provisions to restore fish and wildlife habitat and allows for the transfer of Central Valley water to cities statewide. This bill is supported by California urban and agricultural interests alike.

I am seriously concerned the proposal put forth by Congressman Miller and yourself will have severe social, economic and environmental consequences upon California. This year, the Central Valley Project will only deliver roughly 4.5 million acre feet. Yet, your proposal would commit up to 2 million acre feet to fish and wildlife. According to California's Department of Food and Agriculture, this would cost California up to \$8 billion annually in lost economic activity and thousands of jobs.

To generate funds for fish and wildlife activities, your proposal mandates a \$50 million annual tax on all CVP water and power sales. I'm sure you are aware this will ultimately be passed along to the people of California.

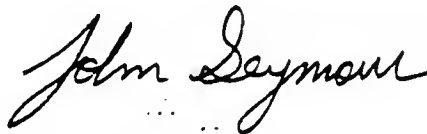
The Honorable Bill Bradley
September 18, 1992
Page Two

Despite the proposal's inclusion of a water transfer provision, cities and municipalities will find it nearly impossible to purchase water from CVP water users. The reallocation for fish and wildlife removes much of the available water supply farmers could transfer. Additionally, the imposition of a 15% tax on all water transfers and authorization for the Secretary of the Interior to arbitrarily revise water transfer agreements between willing buyers and willing sellers will simply act as a disincentive to any meaningful water transfers.

I also question the wisdom of including a citizen suit provision so lenient anyone with a postage stamp and a typewriter could file suit against the Federal Government. At the Sacramento field hearing on May 30, 1991, you indicated to me that a citizen suit provision was not helpful, and in fact detrimental to CVP legislation. I think we share the goal of legislation which resolves fish and wildlife problems. This provision would only encourage litigation at the expense of California's environment and economy.

These are some of my primary areas of concern. What suggestions might you have to mitigate the devastating economic consequences of yours and Congressman Miller's proposal? I remain willing to work with you to develop a responsible approach that truly reflects the concerns of all of California's needs.

Sincerely,

A handwritten signature in cursive script that reads "John Seymour". The signature is written in black ink and is positioned above the printed name.

John Seymour

JS/rg

H.R. 429." Senator Bradley says, "As I've said last night and have said to you previously at hearings--" and on and on and on, "I welcome your ideas and am pleased to receive them." And then he says, "You have not offered any written proposals to me." I'll make that letter available, too.

You know now that you've seen the original Seymour bill, you've seen the document that was in the negotiations, you've seen some of the written documents--I can tell you that that's not the case, and that's a mischaracterization. Unfortunately, that was not infrequent in this debate. Because it was so public, there was a need for various individuals to posture about how they said things.

Here again is a September 24 letter, which I'm going to make available to you, from John Seymour to all of the members of the Energy and Natural Resources Committee; it's a new proposal that lays out specific new provisions. It's basically the Dooley-Lehman proposal with some minor changes to it. I'll make that available to you.

Revisions of the Seymour Bill Rejected by Congressman Miller and Senator Bradley

Chall: I did want to talk about what this Dooley-Lehman proposal. That's in that letter?

Golb: Yes. It outlines some of the major provisions, and it goes further than what was in the original Seymour bill 2016. That was rejected. That proposal was rejected by Miller and Bradley; it didn't go far enough. So we had the original Seymour bill, which didn't go far enough. Then we had Seymour make additional proposals on upfront water, on project purpose, and on a number of other areas, in the Senate negotiations in the Energy and Natural Resources Committee library. That wasn't enough. So then the Dooley-Lehman proposal came forth which Seymour embraced; that wasn't enough for Miller and Bradley. Then Seymour came out with another proposal which is dated October 1, two weeks later, that he sent in the form of a letter to all the members of the committee; I'll make that available to you. And that wasn't enough for Miller and Bradley.


By then, they had the train moving, and it was all the momentum built up by the hostages that were included in H.R. 429. All the states so badly wanted their project. They saw that it looked like Bush was going to lose the election at that point.

United States Senate

WASHINGTON, DC 20510-0503

September 24, 1992

The Honorable Malcolm Wallop
United States Senator
Washington, DC 20510

Dear Malcolm: 

Enclosed is a new proposal regarding California's Central Valley Project put forth by Congressmen Cal Dooley and Rick Lehman.

This proposal goes far beyond the CVP bill (S. 2016) adopted by the Senate earlier this year and seems to me to be an honest effort to try and bridge the differences between my legislation and the latest proposal made by Congressman Miller.

According to the sponsors, the Dooley/Lehman proposal would:

Establish fish and wildlife as a project purpose of the Central Valley Project.

Include new language on wildlife refuges - the proposal modifies the language to provide an additional 230,000 acre-feet of water immediately to fifteen National wildlife refuges and management areas. Within ten years, the Secretary is required to provide 525,000 acre-feet to the same refuges.

Establish a Central Valley Project Restoration Fund - this fund will collect up to \$15 million annually from CVP water and power users to fund fish and wildlife restoration measures contained in the bill, incorporating language developed by the House Appropriations Committee to deal with budget concerns.

Require the Secretary of Interior to participate in the San Joaquin River Management Program - this program under development by the State of California is designed to resolve fish and wildlife problems on the San Joaquin River.

Modify water transfer provisions - provides for State control of all Central Valley Project water transfers by 1997.


The Honorable Malcolm Wallop
September 24, 1992
Page 2

53b

I am reviewing the proposal, and I would welcome any suggestions or concerns which you may have on the draft. It avoids many of the contentious and, in my view, irrelevant provisions of the Miller draft such as citizen suits and focuses directly on fish and wildlife. Given the limited time left to the Congress, I believe we can work out some agreement which will begin to address the legitimate fish and wildlife needs of the CVP and enable the project to assist in meeting California's water needs. Although I have some reservations over the Dooley/Lehman proposal, I believe it is a good offer.

I realize the time constraints upon you and your staff at this point are enormous, however, I would be deeply appreciative of any comments you may have. Please contact Rich Golb of my staff at 224-9628.

Sincerely,


John Seymour

JS/rg

They didn't want to wait for another Congress to begin. They wanted their project so badly that they were willing to sell out the California provisions in order to get what they wanted. Seymour continually made proposals.

The fact that what we have today in law is a bad bill was evidenced by the fact that the majority of California's delegation voted against it in Congress. The governor was opposed to it, most of California's delegation--I think the number is actually twenty-five members to nineteen--voted against the bill in the House of Representatives. In the Senate, it was split. Senator Cranston voted for it, and Senator Seymour voted against it.

I think what you see is that there was a real effort and an attempt to engage on the policy issues. In addition, Seymour offered another bill--

Chall: Yes, I wanted to ask you about that--S. 3365.

Do you have an extra one? [points to document]

Golb: I think I do.

Chall: I didn't know about that at all until I read your material.

Senator Seymour Submits S. 3365 and Filibusters Against H.R. 429

Golb: Here's what happened on the floor of the Senate; there's a lot of confusion about this. Senator Seymour knew--and he was very clear about it; there wasn't any hidden agenda. He told everyone that if the Miller-Bradley bill proceeded forward, and if they rejected his proposal, that he would attempt to stop it. He had been urged on by many of the members in the House as well as the governor, so he attempted to join a filibuster that Senator Alfonse D'Amato from New York began over another issue.

This started about nine-thirty at night on a Monday evening, and Senator Seymour went to the floor, and assisted with the filibuster. Seymour helped D'Amato, and we continued that. When the next day arrived, Senator Seymour requested--which is a parliamentary procedure--that the Central Valley Project Improvement Act bill be read in its entirety; it's a procedure to delay, to take up time, which Seymour was attempting to use as negotiation. And they did. They began to read the bill all the way through, line by line. It's not an unusual procedure; it's--.

- Chall: Yes, it's done, but what was he expecting? It was practically the end.
- Golb: It was almost the end of the session, and he felt that that offered him some leverage, that he might be able to get further negotiation and try to get some provisions that California could live with.
- Chall: But that would mean that it would be most likely done the following year.
- Golb: Well, it's possible. It was pretty late in the session; there wasn't a lot of time left. You know, at the end of the session is when many deals are finalized, and you would be amazed at what happens in the last day of a legislature.
- Chall: Then why did he think that--this bill, 3365, is not that much different from what he offered in April or March. Yet there seemed to be some significant differences or revisions from 2016 that might not have been acceptable to the agriculture community.
- Golb: We went out on a limb [laughter]. It's kind of unfortunate in a way, because in the debate itself people just didn't know this. This wasn't something, again, that you publicize. He felt that there was a problem, it needed to be solved, he was in the legislature, and the arena in which you solve these problems in the legislative process is negotiation. Sometimes that means you have to give on some things and take on the other. He was willing to give on many of the provisions that some of his constituents had the most difficulty with.

Seymour was willing to provide more water up front in exchange for more certainty on contract renewal. He was willing to provide some form of elevating fish and wildlife needs from what they were in terms of project purpose in exchange for commitments to build projects to recover the water that was provided for fish and wildlife. So you provide a certain amount of water for fish and wildlife, and that would be taken away from agriculture initially, but at some point that water would get back to agriculture. Maybe you would build some more off-stream reservoirs or something.

He was willing to make--and did make--extensive offers that some of his constituents would have had a lot of difficulty with. Actually some of his constituents asked him to just go for a veto of the bill much earlier on. He didn't go for a veto of the bill until his filibuster was broken, and the conference report passed the Senate. At that point, he then proceeded to attempt to secure a veto by the president. But up until that point, he was still negotiating, and it was actually in negotiations with Bradley that led to this final bill, S. 3365.

What Seymour did is that in negotiations with Senator [Robert] Dole and the former Senate majority leader, George Mitchell, on the floor of the Senate--what they told Seymour is, "Look, you can't filibuster forever. You have a limited amount of time, and you're going to have to at some point give it up." And Seymour was getting a tremendous amount of pressure to stop the filibuster. He was also getting a lot of encouragement. Again, something a lot of people don't know is that a lot of congressmen came over from the House of Representatives--Cal Dooley, Rick Lehman; Vic Fazio even called from the Chicago airport. A whole bunch of the members of the House--even some not from California--came over and personally encouraged him and said, "You're doing the right thing. No one's going to know about it, but don't let go." A lot of people did. A number of senators came over to him and said, "I know you feel lonely, you're all alone, but you're doing the right thing."

But ultimately there wasn't enough support. He was alone and didn't get the support he needed. He had to break the filibuster. So he agreed that he would stop his filibuster in exchange for a certain amount of floor time to discuss the issue and argue against Senator Bradley, and if he was allowed to introduce a new bill. And he did this because we thought--we knew this was unlikely, but we thought that if President Bush did veto the bill, H.R. 429, that we wanted to have another bill available to start with, to start the discussions with.

So this was really just an attempt that if 429 was vetoed, we would have something else to throw into the debate. And this bill went a lot further from 2016.

Chall: Certainly it was. And I just wonder whether it would have been also a non-starter in the following session. I guess we don't know.

Golb: We'll never know.

Attempts to Gain Agriculture's Acceptance of the Revisions

Chall: It had some elements in it that I would think some of the CVP growers would not have accepted. And they didn't accept it along the way.

Golb: They had a tough time with it.

Chall: In your journal here, toward the last, you were meeting a great deal with Beirne and Ellsworth on the Dooley-Lehman proposal. And

with Johnston, with Somach, and with Roger Fontes. Who's Roger Fontes?

Golb: He's with the Central Valley--he's with the power contractors.

Chall: I see. Dave Kennedy, Gray Staples--who is Gray Staples?

Golb: He was a legislative assistant to Congressman Rick Lehman.

Chall: Dan Nelson and Senator [Larry] Craig. I gather, just from reading parts of your journal from middle of September to when it was all over, that you talked to these people and a host of others almost continually.

Golb: We were trying pull agriculture, and others, further along.

Chall: Trying to come up with what you said was a reasonable alternative?

Golb: At that point, a lot of Central Valley farmers thought they would get a veto from President Bush. And Seymour didn't think that was a good strategy. He just said, "How the heck do you go ask for a veto when we're not even finished with the legislative process? Let's not give up." But we were having trouble getting some of the farmers to give more in the negotiations. So I spent a tremendous amount of time--you can see in the journal--trying to find a way to get them to go a little bit further so that Seymour could make more overtures. Ultimately, he made a lot of them anyway.

Chall: Yes, he ultimately did without even getting their approval.

Golb: Right, which he felt he had to do. But we were trying as desperately as we could to move ahead.

Chall: At eight-thirty--this was on the night of September 24--[according to the journal] "Kim [Schnoor] and Somach called him at home." Now I don't know whether that means they called you at home, or Senator Seymour.

Golb: What's the date?

Chall: September 24. I imagine it was you.

Golb: Right.

Chall: They called to say that the farmers would not approve upfront water and wanted to go backwards from the Seymour bill. Right?

Golb: That's right.

Chall: And you wrote, "Seymour wants to look reasonable." You were really in difficulties here at the very end, trying to deal with this.

Golb: Yeah, it was horrible; it was really bad. At that point in the debate it was so political, and most of the people in the debate had basically forgotten about the policy. It was either how do you get a veto or how are we going to get this bill through the Senate. Some of the farmers, not all, but some of the farmers had started to go south and said that we went too far on 2016. They had no idea that Seymour had gone way beyond 2016 at that point.

You see, no one saw it in print. Environmentalists didn't know that Seymour went much further because Bradley and Miller wouldn't tell them. Or didn't tell them. And the farmers didn't know, and the urban guys really didn't know. But Seymour had gone much further, and so we were under a lot of pressure at that point from many of our constituents to not go much further.

But obviously Seymour did because he felt it was the right thing to do. He felt if you were going to be in a negotiation that you've got to be reasonable, and the only way you can do that and be credible is to continue to try to solve the problem. In this case, that meant he had to give on a couple points: he had to give on contract length, he had to give on upfront water, he had to give on some of the water transfer provisions, some of the restoration fund issues. That doesn't mean you have to give it all away, but you have to go a little bit further. He did.

Chall: But it just seems that it came so late. Of course, I guess you tried it earlier and didn't succeed.

Golb: Again, as we've talked about it and as I've showed you, when Seymour introduced the bill in November of '91, he said, "It's just a beginning." It wasn't until March that the negotiations began in earnest in the Energy Committee library, and at that point, he made a number of offers on a whole bunch of issues. Then his bill was passed out of committee, and at that point the people that he was negotiating with went and put their own package together. By the time we got back into it, he made three more proposals, and he went much further than what was in 2016.

Chall: Toward the end, September 30, according to your journals, you faxed fifty pages from, or to (I wasn't sure) Somach and [Gary] Sawyers. You worked on it all day. Who faxed? This entry seems to encompass September 30 through October 1.

Golb: Actually, at this point, this is where Seymour wanted to introduce a new bill. So he wanted to change his bill a little bit. So what he did here--in the journal--is that he wanted to send a new

proposal to all the senators on the committee and say, "Look, this is my final offer." What I write in the journal is that Gary Sawyers was in, and so I faxed him the fifty pages--

Chall: You faxed him?

Golb: Yes, on the latest draft; we started making changes to it. Gary Sawyers is a good attorney. He represents the Friant water users, and he was heavily involved in the debate and has a good feel for the CVP. He, along with Stuart Somach, provided a lot of the legal background.

Another attorney that was also heavily involved is Mark Atlas, who represents the Tehama-Colusa Canal Authority. Mark is really knowledgeable about the T-C Canal issues and about Sacramento River water contracts--settlement contracts, and he was actually very helpful.

Chall: So at the last minute there was just a lot of activity. All kinds of people. But who, if anyone, actually helped write the revisions in 2016 and that final effort 3365? Who worked on these final offerings?

Golb: I wrote many of the revisions at Seymour's direction, along with some of the committee staff--Jim Beirne, Gary Ellsworth, and some of the California attorneys. Some of the changes were based on ideas from the conservation interests such as Dan Chapin of the California Water Fowl Association.

The Conference Committee Produces the Final Draft of the Omnibus Water Bill

Chall: Tell me a little about Vic Fazio and his activities within the conference. Now he seemed to have some place in the conference although toward the end I gather that Senator Seymour didn't. But Fazio brought in--according to Tom Graff it probably originated with Mike McGill--the idea for a \$30 million restoration fund and 800,000 acre-feet of water. That was a Fazio proposal that stayed in.

Golb: Right. Congressman Fazio came out in the end and made some amendments that were included in the final bill, that are now in the final law, and that had a tremendous impact on the debate. He did a really good job of identifying some issues where there was room to maneuver. He had a pretty good rapport with the environmental community as well as the agricultural community and

United States Senate

WASHINGTON, DC 20510-0503

October 1, 1992

The Honorable Malcolm Wallop
Ranking Minority Member
U.S. Senate Energy and Natural Resources Committee
United States Senate
Washington, DC. 20510

Dear Senator ~~Wallop~~: *Malcolm*

Enclosed is yet another counter proposal to try to find an equitable solution on the most contentious issue of reform for California's Central Valley Project (CVP).

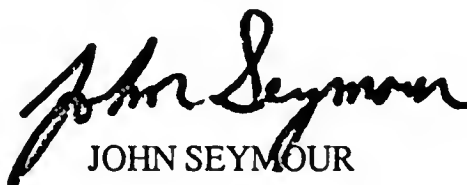
My objective from the outset has been to ensure an orderly transfer of CVP water from agricultural needs to urban, industrial and environmental needs. My priorities from the very beginning have been (1) people and their jobs and (2) fish, wildlife and environmental enhancement.

I am well aware that water projects in other states, important to my colleagues, have been included in this bill. It is unfortunate that Senator Bradley and Congressman Miller have held these projects "hostage" to CVP reform.

I am hopeful we can, in the brief time remaining, yet conclude an agreement. However, in the event that is unsuccessful, I am fully committed to defeat this legislation in every possible way.

Thank you for all your understanding and support. I would be pleased to meet with you, should you have any further ideas on how I might conclude a successful agreement.

Sincerely,


JOHN SEYMOUR

JS/rg
enclosure

SEYMOUR CVP PROPOSAL 10/7/92**S. 3365, the Central Valley Project Fish and Wildlife Act of 1992**

- 1) **25 year successive water contracts for all CVP water contractors;**
- 2) **\$20 million restoration fund for fish and wildlife restoration measures;**
- 3) **Project purpose for fish and wildlife tied to specific mitigation, protection, and restoration actions;**
- 4) **Twenty-two specific fish and wildlife restoration and mitigation measures;**
- 5) **Provides for State control of all Central Valley Project water transfers by January 1, 1996;**
- 6) **All fish and wildlife mitigation, protection, and restoration measures shall be carried out in a manner which facilitates transfer out of the CVP to the State of California;**
- 7) **Immediately provides an additional 230,000 acre feet of water to California Central Valley wildlife refuges. Within ten years, a total of 525,000 acre-feet of water shall be provided;**
- 8) **Removes unlimited CVP water contract renewal based upon water transfer agreements, and provides 20% from all water transfers for fish and wildlife purposes; and**
- 9) **The Secretary of the Interior, in consultation with the Governor of California, shall identify additional actions to mitigate CVP impacts and will protect and restore fish and wildlife habitat.**

was able to make some changes that the other congressmen and senators were able to go along with.

Chall: Is that because his district is a little different?

Golb: It's because his district was a lot different, it's because he's been around a long time, he's a Democrat, and he's very good at what he does, and there's a lot of respect for him in Washington. Whereas Seymour was a Republican, hadn't been around that long, and they felt at that point he was going to lose the election so they didn't want to give him anything. They wanted him to lose the election, and they felt that one way to get rid of him was to beat him bad on CVP and make him look like the loser. And so Fazio was able to get some provisions in that had been very helpful, and he did a good job. He's a class guy and handled himself very well during the debate. Seymour and he actually got along very well.

The Omnibus Water Bill Passes Through the Congress: Analysis of Some of the Factors Involved

Chall: I guess toward the end the western water people wanted 429. There was no way they were going to support Senator Seymour at that point. There's a lot of interesting information in the Congressional Record and the Congressional Quarterly, but anybody can read that.

How did you all feel when 429 passed? Disappointed? Depressed?

Golb: It was tough; it was really tough. We had spent almost two years working on that, and for me it was the primary issue that I worked on. We had put in a lot of eighty- ninety-hour weeks, a lot of trips to California, a lot of frustration. For somebody that was twenty-nine years old, that was about as big a debate as you could ever be involved in or ever want to be involved in at that level. I imagine Seymour felt pretty bad. He felt pretty bad when it was over, but I know that he felt confident that he had done everything he possibly could have. Everything. I know he did; I've talked to him since. I know he feels like what he did was the right thing.

Again, remember that if it was purely political, and all he cared about was his campaign, he wouldn't have advocated the agricultural position. He would have advocated the urban position. All the votes in this state are in Los Angeles, San Diego, San Francisco. That's where all the big fundraising efforts are. If you want to make a lot of money fundraising as a candidate or you want to get votes, you go to the cities. You don't go to Fresno

DALE BUMPERS, ARKANSAS
WENDELL H. FORD, KENTUCKY
BILL BRADLEY, NEW JERSEY
JEFF BINGAMAN, NEW MEXICO
TIMOTHY E. WIRTH, COLORADO
KENT CONRAD, NORTH DAKOTA
DANIEL K. AKAKA, HAWAII
WYCHE FOWLER, JR., GEORGIA
RICHARD C. SHELBY, ALABAMA
PAUL WELLSTONE, MINNESOTA

MALCOLM WALLOP, WYOMING
MARK O. HATFIELD, OREGON
PETE V. DOMENICI, NEW MEXICO
FRANK H. MURKOWSKI, ALASKA
DON HICKLES, OKLAHOMA
CONRAD BURNS, MONTANA
LARRY E. CRAIG, IDAHO
JOHN SEYMOUR, CALIFORNIA
JAKE GARN, UTAH

United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

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October 5, 1992

The Honorable Pete Wilson
State of California
Governor's Office
Sacramento, CA 95814

Dear *Pete* Governor Wilson:

I am writing in response to your letter of October 4, 1992 regarding the Central Valley Project provisions of H.R. 429, the omnibus water package. I understand your pain, but I regretfully disagree with your conclusion.

You have been absolutely correct in your insistence that the only real solution to California's long term water situation is for the federal government to turn over at least operational control of the CVP to the State so that it can be integrated into the State Project. While that option would leave California in control of its future, that option is not available given the political climate in Congress.

I also agree with you that the issues surrounding the CVP have absolutely nothing to do with the other measures involved in the omnibus water package. You and I both fought to prevent the hostage taking last Congress when projects we both supported were linked to amendments to Reclamation Reform. We lost that effort to unlink the measures, and I regret that we lost that effort again this Congress. There comes a point when we both must accept the unpleasant reality that those interested in their own social agenda are in control and are willing to inflict as much pain as necessary to achieve their objectives, regardless of the consequences.

I made an effort to convince the Majority to counter Congressman Miller's proposal with a modified version of the proposal made by Congressmen Dooley and Lehman. Had there been some goodwill and a willingness to be responsible, I think that we could have produced legislation which would be workable and which would preserve your options as Governor to chart a course for California. I directed my staff to work with Senator Seymour and the California delegation to identify what was possible and then to submit, on my behalf, a draft based on the proposal by Congressmen Dooley and Lehman. They did so, but the offer was

rejected and I was informed that the Majority would only consider changes to Congressman Miller's proposal.

My judgment was, and remains, that this situation is only going to get worse. I directed the staff to obtain as many amendments as possible, focusing primarily on the specific issues which you, Senator Seymour, and the attorneys for the various contractors had raised. We were successful in the following areas:

- elimination of the auctioning of 100,000 af of California's water to the highest bidder;

- permanent protection for the Friant water users against releases from Friant without a specific Act of Congress;

- requirement that the study of the San Joaquin/Stanislaus be "prudent, reasonable, and feasible", which in my view precludes trying to reestablish flows below Friant;

- removal of the term "enhancement" from the primary project purposes, which is a significant change;

- grandfathering existing contracts from renewal (delay in the penalty provisions) until the EIS is completed;

- limitations on the additional charges imposed on the Friant contractors to \$4 - \$5 - \$7 from the House's \$4 - \$8 - \$12;

- tying the 800,000 af directly to the purposes of this title and providing that if the water is not needed for those purposes, it will be available for beneficial uses, which eliminates the permanent dedication of the water which had been in Senator Bradley and Congressman Miller's proposals;

- changing the dry year formula for the 800,000 af and the Wildlife Refuge supplies from the House proposal that there be no reductions unless the prior right and exchange right holders were reduced to a formula tied to the service contracts with an overriding requirement that the Secretary can exceed the limitations for health and safety, including both Agriculture and M&I uses;

- bringing the iteration of specific fixes into conformity with the language used by the State agencies and incorporated into Senator Seymour's legislation;

- extension of the renewal period to 25 years from the 20 in the House proposal;

- protection of all court decrees, including the Barcellos decree involving Westlands;
- modification of the inverse block tiered pricing from the House proposal of 60-20-20 to 80-10-10;
- elimination of the 15% capital gains tax on farmers, which both Senator Bradley and Congressman Miller had insisted on for all water transfers, although we did agree to imposing an additional \$25 charge on the M&I user of the transferred water.

Even with these changes, I do not view this as a good measure nor do I take any pleasure in the process. I honestly believe that this is the best proposal which California is likely to receive in the current political climate which I anticipate will last a good long while. Perhaps that too is a dream for one realistically has to suppose it will deteriorate markedly. Were I the Chairman of this Committee, I can assure you that this would not happen, but I am not.

Senator Seymour has fought courageously for California; but unless he gets help in the Senate next year, I think matters will only get worse, not just for California, but for all the Western States. There is an unpleasantness and a meanness which both of us find distasteful, but it is no use to pretend that it does not exist. I am not asking you to endorse this measure as good for California, but I would earnestly request that you consider the future. I see no hope that reason will prevail or that those not affected would refrain from imposing their social agenda on the farmers and others who labor for this Nation. The spiral has been downward and all we can do is try our best to mitigate the impact until the voters in California and elsewhere impose some sense of sanity on the Congress.

I deeply appreciate all your efforts during this Congress and I hope that on reflection you will reluctantly agree that we have done the best we can and that this measure should be enacted to forestall a far grimmer and more desperate future for California.

Sincerely,



Malcolm Wallop
Ranking Republican Member

MW/jb

County or Shasta County. But Seymour fundamentally believed that what was being advocated wasn't in the best interest of the state; it flew in the face of conventional wisdom, it flew in the face of good science, and it was bad policy.

He felt that the Bradley-Miller bills were political documents that weren't designed to solve a problem but designed to go after some people. I think Seymour felt that Bradley was sincere in that he wanted to solve a problem, but the means with which he was going to try to do it were wrong.

I know Seymour was exhausted, but he had at that point a month to focus on the campaign so he went off and focused on the campaign. I felt pretty bad; it was a difficult time in my life. I just didn't know what more I could have done in the debate. I made a lot of mistakes, I realize now.

Chall: You felt you did?

Golb: Yes.

Chall: In what way?

Golb: Well, I think if we had to do it all over again, we probably would have recognized earlier on that there was a way to maneuver that probably would have worked a little bit better. We probably would have been a little bit more public about the offers that the senator made, and we probably would have let more people know about these negotiations that were going on. We probably would have raised some of the issues sooner. I think there's things that we would have done differently, had we to do it all over again.

Chall: Maybe the two of you were too new in Congress.

Golb: You know, a lot of people say that. Michael Doyle wrote an article--you may have seen it--where he addressed that issue. Some people have criticized me for being too young or whatever and criticized Seymour for not being up to the task. If anything, Seymour was more qualified to be a legislator than most of the people in that debate. He had been a mayor, he had served on a city council, he had served in the state legislature, he had been a private businessman. He understood what was happening; he knew what was going on, and he knew the state that he represented. So I think he was well qualified.

As to my perspective--could I have used a few more years experience? Yes. It probably would have been helpful.

Chall: You don't think it would have changed the outcome?

Golb: I don't think so. That debate was shaped more by the fact that we were in such a terrible drought and that all of the hostages in the bill just created such immense momentum that regardless of how much experience we had or how long we had been there, I don't think that would have changed the outcome.

Chall: You say that had he been more interested in just winning, he would have sided with the environmentalists, but I noticed [from your journal] that the Los Angeles Times had written, in perhaps an editorial, about the fact that he was taking so much money from the growers for his campaign that he was obviously in the pocket of the growers--I guess Seymour was very upset with that article.

Golb: We wouldn't have sided with the environmentalists. What I've said is that if Seymour was purely political, he would have sided with the urban areas and with some of the environmental interests. And if he would have done that--

Chall: And still have taken money from the contractors? I mean, that was the gist of the--

Golb: Let's go back to your first premise. The first point is that you're correct that--

##

Golb: You were asking if Seymour would have done something different if he was purely campaigning, and the answer is yes, of course. He would have gone after the urban entities and the business community where there's a lot more money and aligned with the environmental community.

In terms of him being criticized for taking money from agricultural interests in his campaign, that is something the newspapers would have done anyway. If you look at a legislator that's doing a lot of work on behalf of a particular industry, they're familiar with his work, they're familiar with the issues, and they donate. It's a logical occurrence, it happens at every level in this country and in every state.

But that was a charge that was made, and Seymour did get a lot of contributions from the agricultural community, but it didn't--. Again, we would have been extraordinarily naïve to think that we would have gotten more votes out of Fresno than we would have out of Los Angeles. If that was our campaign strategy, we would have done worse than we did. Seymour wasn't motivated in this debate by politics alone. There was a lot of principle that he felt strongly about that was in place before I started to work for him. All I did was refine his position.

Chall: What was the activity among the people on your side to get President Bush to veto?

Golb: There was a lot of activity. A lot of people met with the president's chief of staff. Jim Baker at that time was involved in the campaign, and people met with Jim Baker, and people talked with the White House, and they urged President Bush to veto the bill. But in the election campaign, you know how that goes. They looked at all the provisions for the West and felt like there was no way that they could veto the bill. Just no way. They had to sign it; and they did [October 30, 1992].

Chall: So at the end of November you all left, is that it?

Golb: Pretty much. Since Senator Seymour was an appointed senator and not elected, he didn't have the privilege of remaining in office for very long. So when he was defeated by Senator Feinstein, he was actually out of the office--the election was on a Tuesday, he was out of the office by Thursday, and on Friday Senator Feinstein had moved in to half of our office space. We were off the Senate payroll about two weeks later. Pretty quick. You don't have a lot of friends when you lose.

Chall: I guess that's right, as some of the Democrats have discovered this past year.

Golb: It is a cruel business.

I actually found the document--I'll make this available to you. The vote on H.R. 429: twenty-five congressmen voted against it, nineteen voted for it.

The Effects of the CVPIA on California Agriculture

Chall: Is there anything else you want to say? We have a little time, and I may not have covered everything. Did you have anything that you wanted to say in terms of how other people have looked at this issue? I take it you don't feel as bitter about what occurred as Jason Peltier. Is that correct? You worked very hard at trying to get this bill out, and you were defeated. Do you feel that the farmers were treated--or that the effect is as serious as Jason felt it to be?

Golb: This was a painful experience in my life. That law has a real effect on a lot of people's lives, and it has hurt a lot of people. After the debate there was a number of auctions in the Central

October 5, 1992

CALIFORNIA CONGRESSIONAL DELEGATION VOTE ON H.R. 429

Western Water Projects Package

(including federal reallocation of Central Valley Project water)

Against: 25

Wally Herger
Norman Mineta
Gary Condit
Bill Thomas
David Dreier
Carlos Moorhead
Bob Dornan
Bill Lowery
Mel Levine

Vic Fazio
Leon Panetta
Richard Lehman
Robert Lagomarsino
Jerry Lewis
Chris Cox
Dana Rohrabacher
"Duke" Cunningham

Tom Campbell
Cal Dooley
John Doolittle
Elton Gallegly
Al McCandless
Bill Dannemeyer
Ron Packard
Duncan Hunter

For: 19

Frank Riggs
George Miller
Don Edwards
Howard Berman
George Brown
Esteban Torres
Glenn Anderson

Robert Matsui
Ron Dellums
Tom Lantos
Mervyn Dymally
Maxine Waters
Edward Roybal

Nancy Pelosi
Pete Stark
Anthony Beilenson
Henry Waxman
Julian Dixon
Matthew Martinez

Not Voting: 1

Barbara Boxer

Valley for farm properties and farm equipment. A lot of land values have gone way down. Bank loans are a little tighter and tougher to get. It's had a tremendous effect on a lot of people and a lot of people's lives. There will be effects that go on and on from this law; it will continue. It's not just a one-time deal.

Chall: And you think it's the effects of the law rather than just what would be happening economically in general in California.

Golb: I think you can separate the general economic trends in the state from the law because for one you can look at the baseline. Look at what was happening to land values over twenty years prior to the law, and then look at since the law has been in place. I think that you can look at some of the effects of the reallocation of 800,000 acre-feet to the environment. I think you can look at the effects of the contract renewal provisions and how that's affected people.

Again, we have the benefit now today of looking at the law and what it has accomplished and what it has not. On many accounts, the law has failed to achieve what the proponents envisioned. In certain areas it's been very helpful, and there are some success stories. The Shasta temperature control device is under construction, is basically on budget, on schedule, and is proceeding. And that will help. There are some other provisions in the law that are moving forward, and those will help.

In terms of being bitter about it, I'm really not. It was a tremendous experience for me, and I wish it would have turned out differently. I put pretty much two years of my life into that, and it was difficult to see the way it turned out. But that's the legislative process. When you have a job like that, you have to accept that there are going to be times that it's going to go your way for your boss--Senator Seymour in this case--and there are times that it's not. And you do the best you can, and sometimes it works out, sometimes it doesn't.

I'm a lot less naïve now about life than I was beforehand. But again, I had a great opportunity; I got the opportunity to personally work with several U.S. Senators that are dynamic people whether you like them or hate them, and I got to see them work. I've since had the opportunity to see what they have had to say about this debate in writing and in print, and it's been pretty fascinating to me the way characterizations have been bent and shaped over the years, based on my memory of it all.

The Effect of the Experience on Richard Golb

Chall: How do you feel that it has affected how you do your job, and how you work on water issues now? You are certainly in a crucial place.

Golb: It's helped a lot, it really has. I have a good understanding of the legislative process and how it works. I think I probably view some of these water issues with a little bit different eye than some of my counterparts. Going through that debate taught me a lot about how if you don't solve problems that are your own, on your own, somebody else ultimately will. And they will much to your dissatisfaction. I think that's what really happened here.

For years the environmental groups had been clamoring for reform. I think in the fifties, the sixties, and the seventies, they were policy oriented. They wanted protections for salmon, they wanted more wetlands for waterfowl. But as time went on and as the agricultural interests ignored them, they began calling for pricing reforms, and contract renewal reforms, and reallocation of water. At some point, you begin to believe your own rhetoric. All the stars lined up when the drought hit because there were the right people in Congress. All the provisions in H.R. 429 had been languishing for years, and there was a sense of urgency in California to do something. "We've got to fix the drought. We've got to fix the water supply problem. We've got to do something for fish and wildlife." It all lined up.

Some people were able to take advantage and benefit off that situation, and others--particularly those that had been looking the other way for so many years--lost. It's unfortunate because it really didn't work out. Again, we have the benefit of looking at the law to see that we had really a tremendous opportunity in 1992 to solve some of these problems, but we collectively missed the mark.

Refining the CVPIA

Chall: So there will be some refinements.

Golb: I think there has to be.

Chall: Earlier you said they might be solved administratively, but will Congress also have to resolve some of the problems?

Golb: The current administration does not seem interested in doing anything administratively. So I don't think we'll see any substantive administrative resolutions from this administration. I think a future administration may be able to do that. Maybe if we get a different leadership within the current administration, we would see some changes. I believe that even some members of the environmental community like Tom Graff and some others would admit to you that a lot of this can be done administratively. A lot of the provisions of the law could be fixed administratively, but they're not doing it.

There are some provisions that will require legislative changes; that will require amendments. There's a bill now that's pending that Congressman [John] Doolittle has introduced along with some others. I think it reaches a little bit too far and probably doesn't have much of a chance.

Chall: I guess taken from your experience that it would be better not to reach too far. Try to amend things so that they'll work. Do you think that the Central Valley Project will someday belong to the state?

Golb: It should. It definitely should.

Chall: Can the state afford this in terms of funds?

Golb: I think so. I think it can. I think water rates might have to go up, and water contracts might need to be revised, but I think it can. The State Water Project was only built thirty years ago or twenty years ago, and it's working fairly well. So I don't see why that couldn't be integrated with the CVP in terms of state oversight. You wouldn't need as many people to run the Central Valley Project. You would be able to tie it into some of the state administrative processes. I think it could be done; I think it would be to the benefit of the state's economy and environment.

Chall: And the Delta? Which was not covered at all much by the bill, but certainly had to be considered. I don't know how you could deal with 800,000 acre-feet without considering what was going on in the Delta.

Golb: That was another part of the problem. You've got all these federal laws, including the CVPIA, that basically provide most of the jurisdiction and oversight for the federal government to participate in all this restoration that leads to the Delta. But we know most of the problems in the Delta. We know that most of the problems with fish are due to the state and federal projects. The CVPIA could have been the initial step in solving a lot of those problems upstream and in the Delta. Instead, because there

were people focused on other things, water conservation, tiered pricing, contract renewal, we got a little bit away from solving the environmental problems. That's really where the debate was and should have been. I think that's where the environmental community was twenty or thirty years ago.

Chall: I think that's where George Miller was at the very start. With the Delta.

Golb: Yes, his father was. That's right.

Chall: We'll see what happens.

Thank you. I really appreciate all the time you've given to lay out all this material--and prior, when you laid out material so that I could come and study it. I do appreciate it very much.

Golb: I hope it has been hopeful.

Chall: Oh, it has been; you've certainly added a great deal to the story, and I appreciate it.

Golb: I don't know about it, but we'll see.

Chall: I think so. Thank you.

Golb: You're welcome.

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Malca Chall

Graduated from Reed College in 1942 with a B.A. degree, and from the State University of Iowa in 1943 with an M.A. degree in Political Science.

Wage Rate Analyst with the Twelfth Regional War Labor Board, 1943-1945, specializing in agriculture and services. Research and writing in the New York public relations firm of Edward L. Bernays, 1946-1947, and research and statistics for the Oakland Area Community Chest and Council of Social Agencies, 1948-1951.

Active in community affairs as director and past president of the League of Women Voters of the Hayward area specializing in state and local government; on county-wide committees in the field of mental health; on election campaign committees for school tax and bond measures, and candidates for school board and state legislature.

Employed in 1967 by the Regional Oral History Office interviewing in fields of agriculture and water resources. Also director, Suffragists Project, California Women Political Leaders Project, Land-Use Planning Project, and the Kaiser Permanente Medical Care Program Project.

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