



United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

June 10, 2008

Mr. Donald Glaser
Regional Director
U.S. Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way, MP-100
Sacramento, CA 95825-1898

Dear Mr. Glaser:

I write in regards to the proposal that you have developed with the San Luis Unit Contractors for treating agricultural drainage from the Westside of the San Joaquin Valley. I would like to ask for your response to a number of significant issues raised by the United States Geological Survey (USGS) report, "Technical Analysis of In-Valley Drainage Management Strategies for the San Joaquin Valley".

Today, the U.S. Government is under federal court order to resolve what could be a \$2.7 billion drainage problem. This is a difficult issue and there are no easy solutions. Simply put, the federal government doesn't have the financial resources to implement a solution at this time.

So last year, the San Luis Contractors proposed to take on complete responsibility for drainage, in exchange for a number of benefits, including relief from a portion of its debt for the building of the Central Valley Project. This proposal, which was developed with the Bureau of Reclamation, has changed significantly over time. In order to find ways to refine the proposal, I asked for the USGS technical analysis, which raises several significant questions.

First, the USGS has suggested that the proposal include benchmarks or performance standards. I strongly agree that the proposal needs to include such performance standards to hold the Contractors accountable for

effectively treating the drainwater to address potential adverse effects on fish, wildlife, and the environment. I convened a meeting in San Francisco last month in large part to develop such benchmarks based on the expertise of the USGS, the EPA, the Fish and Wildlife Service, the State Water Resources Control Board, and the Regional Water Quality Control Board, among others.

USGS makes a number of suggestions as to proposed benchmarks. I urge you to include in the proposal the USGS suggestions to the maximum extent possible.

The USGS also points out that under the current proposal, the Contractors would retire a minimum of 100,000 acres (possibly more), whereas the Bureau of Reclamation March 2007 Record of Decision set a target of 194,000 acres of land to be retired. Do you think it is necessary to retire 194,000 acres to effectively treat the drainwater? If not, over both the short and the long run, how will you ensure that the Contractors effectively treat these greater quantities of selenium and salt that will be produced at the surface if only 100,000 acres of land are retired?

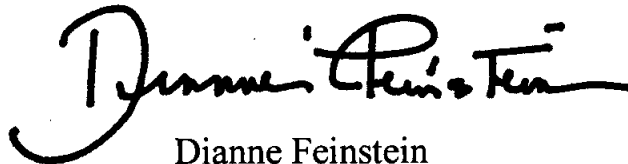
Additionally, the USGS presents data that pilot projects for drainage treatments in Panoche Drainage District have caused instances of selenium in bird eggs substantially above the 10 parts per billion threshold for substantive risk. This is a very serious concern. I understand that in order to protect wildlife, you have agreed to my request to include in your proposal performance standards for the treatment areas to limit the size and duration of incidences of standing water and aerial drift of selenium. Are there any other steps you can take to reduce the threat to wildlife? Will these performance standards be sufficient to address the concerns raised by USGS in its analysis of the pilot projects in the Panoche Drainage District?

The USGS suggests the accumulation of selenium at the surface can be reduced by pumping groundwater from the semi-confined aquifer above the impermeable Corcoran Clay layer. The pumping of this groundwater will lower the water table, reducing the evaporation of salty water that leaves selenium on the soil. Does the current proposal involve any pumping from the semi-confined aquifer, and would you support increased groundwater pumping if the initial plan for drainage treatment is not successful?

Finally, I would welcome any other comments you have in response to the USGS letter. The current proposal is the most realistic solution for resolving the drainage problem to be proposed in a decade or more, and I believe we need to study it closely.

I appreciate your dedication to solving this difficult problem, and I look forward to your prompt response.

Sincerely,

A handwritten signature in black ink that reads "Dianne Feinstein". The signature is written in a cursive style with a large, looping initial "D".

Dianne Feinstein
United States Senator

DF:jw