

Hello All:

There was a technical difficulty sending this out early this morning and my apologies. So far, as best as I can recall – the state and the feds reached some agreement with the biological opinions that were an improvement over the old opinions and scientifically sound until it was discovered it would not only yield more water for the San Joaquin Valley but also help fulfill a campaign promise for President **Donald Trump**. What had been a problem for some of the environmentalist interests then became a problem for partisan politics. So somehow a portion of our state's bureaucracy (thankfully not the Bureau of Home Furnishing – think I'm joking? <https://bhgs.dca.ca.gov/>) California Department of Fish & Game – sorry wildlife, game implies tacit approval of hunting and fishing – the state agency dealing with animals gets put in charge of water deliveries and issues an Incidental Take Permit that pushes any long-overdue agreements off the edge.

Metropolitan Water District, the State Water Project, two Washington DC legislative factions representing both Republicans and Democrats have asked Sacramento to negotiate and not litigate. That's a group representing most of the people who live in California. We're not seeing as much opposition to the ITP from the Bay Area but we all know they have a straw directly in the Hetch Hetchy Reservoir. Now contractors from the Central Valley Project will join in the legal fight since California's Attorney General **Xavier Becerra** has filed a lawsuit opposing the biological opinions.

In California, the Attorney General office is an elected office. Becerra doesn't work for Governor **Gavin Newsom**. Newsom has shown some willingness to work with the feds on water and the COVID-19 situation. He's certainly been more of a friend to the Valley than former Governor **Jerry Brown**. Remember his veto of SB1? I'm not a Newsom apologist and I'm sure there are plenty smartest person in the room types who make a whole lot more money than I do who could offer a different perspective – but it looks like many of the people elected to serve us in Sacramento are quite willing to place political theater and special interest payback before the needs of the people. I mean really, we have a virus pandemic shutting down California's economy and Becerra goes after one of the sectors still running? Setting real time monitoring of fish in the Delta under the new biops will be more harmful to the environment than the old calendar based operations?

It is sad to see lawsuits under the best of reasons. They happen however and thankfully our society still functions well enough to turn to litigation before physical force. Good for us. But this lawsuit filed by Becerra is provocative. I guess all lawsuits are provocative but this one has all the ingredients to go down in history as chest thumping, I want to be governor or more someday, political theater. It's also very sad to see the resources being diverted from growing food to unneeded, bottom scraping litigation at a point in our history when so many people in this state are vulnerable to economic hardship. Now you know what I think about.

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Today, a coalition of water providers filed suit to protect the Central Valley Project (CVP) and the farms, businesses, residents and wildlife refuges it serves in 17 California counties.

As California embarks on an unprecedented effort to rebuild our economy, we strongly encourage the State of California to recognize the importance of CVP water deliveries to every facet of our economy and social fabric in California's Central Valley, the Bay Area and the Central Coast. Rather than efforts that will limit our economic recovery, we urge the State of California to sit down with the operators of the CVP and State Water Project (SWP) and develop a joint operations plan that is not in conflict with the federal Biological Opinions (BiOps) and can advance voluntary agreements as a long-term solution to meet multiple objectives in the Bay-Delta. It is disappointing that State officials have not, to date, engaged with their federal counterparts to resolve these issues after first announcing their intent to sue last fall, and today's action is the unfortunate result of an environment of escalating legal conflicts over issues that need not be resolved in a courtroom.

As background, the State of California recently filed suit challenging the operations of the CVP and now, through its Incidental Take Permit (ITP), the State could further limit the ability of the CVP to deliver water to its customers. These actions have compelled today's legal filing in Fresno County Superior Court, which reflects concerns by the water suppliers and citizens that depend upon the CVP that the State's Environmental Impact Report (EIR) supporting the ITP does not address impacts to the CVP. The lawsuit also reflects concerns that implementation of the ITP will lead to disruptions in water deliveries and prevent meaningful progress on collaborative efforts to secure long-term water supply reliability for millions of Californians while also achieving the reasonable protection of fish and wildlife beneficial uses in the Bay-Delta watershed.

Through our legal action, we are aligning with the water suppliers that depend upon the State Water Project (SWP), who have separately challenged the State's action this week. The parties now challenging this action supply water to more than 29 million Californians, nearly 75% of California's population, more than 4 million acres of farmland, and hundreds of thousands of acres of managed wetlands and habitat of critical importance to threatened and endangered species and migratory waterfowl. We are collectively committed to rebuilding our economy and ensuring water deliveries to all Californians.

The parties to the suit include nearly all parts of the CVP throughout California, as the case is brought by the Tehama Colusa Canal Authority, San Luis & Delta-Mendota Water Authority, Friant Water Authority, and several Sacramento River Settlement Contractors.