



**San Luis & Delta-Mendota Water Authority
Friant Water Authority
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The following is a joint statement from:
San Luis & Delta-Mendota Water Authority and Friant Water Authority
on the State of California's announcement of intent to litigate Federal Biological Opinions

Sacramento, CA - The State of California today announced its intent to pursue litigation challenging the sufficiency of Endangered Species Act protections in the 2019 Federal Biological Opinions.

"We are disappointed with the decision of the State to announce its intent to turn away from cooperation and rely instead on litigation to address its concerns.

We share the belief that scientifically based, collaborative processes are the future of California's water management and will lead to common solutions to end decades of litigation that have failed to produce meaningful results for California's communities or its fisheries.

The new Biological Opinions are more protective than past Biological Opinions and utilize the best scientific and commercial data available. These new Opinions underwent two independent peer reviews that upheld their findings. The California Department of Water Resources has collaborated with the federal agencies in the development of the biological opinions and provided significant input that has been incorporated by their federal partners.

Throughout the development of the Biological Opinions, the State has had numerous opportunities to pinpoint any deficiencies they believe exist, and the proposed action being evaluated was modified to address concerns expressed by the California Department of Fish and Wildlife. It is critically important that the State identify the deficiencies that they believe can only be resolved through litigation.

Any outstanding issues could have been resolved in a collaborative approach, and it is unfortunate that the State is indicating an intent to litigate instead of pursuing a more cooperative approach. This return to litigation raises concerns about our ability to pursue meaningful adaptive management strategies in the Voluntary Agreement process and threatens the good faith negotiations that have taken place to this point.

Public water agencies that contract to receive Central Valley Project water are committed to moving forward collaboratively, seeking measurable successes and ending species management by litigation, which has not only failed to produce results for Californians, but has pushed species and ecosystems to the breaking point."

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Original statement from the U.S. Bureau of Reclamation dated November 21, 2019, and shared for context:

In light of Governor Newsom's announcement regarding the State of California's intent to sue the federal government on the Central Valley Project (CVP) and the State Water Project (SWP), please see the below statement from Brenda Burman, Commissioner of the Bureau of Reclamation:

"From the beginning, we've been focused on cooperative solutions with the State of California to bring reliable water supplies to farms, families, communities and the environment. Today's announcement by Governor Newsom is disappointing in his preference to have judges dictate these important projects instead of the career professionals at the federal and state levels who have developed a plan based on the best science and significant input from the public. If that's their choice, we'll see them in court."

Background

The U.S. Bureau of Reclamation oversees the CVP. The U.S. Bureau of Reclamation, National Marine Fisheries Agency, and the U.S. Fish and Wildlife Service have all worked closely with the state on the biological opinions since reinitiation was announced in August of 2016. As such, the final biological opinions included significant modifications based upon the state's feedback.

When the Bureau of Reclamation and California's Department of Water Resources requested reinitiation, they recognized in 2016 that there was a need to explore potential alternatives to operating the CVP and SWP and to take advantage of advancements in our scientific knowledge. Without question, the National Marine Fisheries Service and U.S. Fish and Wildlife Service biological opinions represent the best available science and included two independent peer reviews.