



## Westlands Water District

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### **California Water Districts Sue to Force Federal Fish Agencies to Obey Environmental Laws**

#### **Federal Orders Cutting Water Supplies Failed To Assess Environmental Damage to California**

(Fresno - - June 15, 2009) “Environmental laws apply equally to all,” said Tom Birmingham, General Manager of the Westlands Water District, in announcing a lawsuit aimed at the federal government’s latest plan for cutting back even further on California’s water supplies.

Westlands is joining with 29 other public water agencies who argue that the National Marine Fisheries Service should have prepared an environmental impact statement before adopting a salmon recovery plan that will divert hundreds of thousands of acre feet of California’s freshwater supplies into the ocean.

“Denying this much water to California is going to do obvious, serious and enduring damage to habitat, to wetlands, and to other endangered species. It will reduce water quality and drive up the costs of water treatment for millions of people. It will reduce the opportunities for recycling, conjunctive use, and water transfers, which are all vitally important to the state’s efforts to conserve water and improve efficiency. And it will put tens of thousands of people out of work, which affects public health and safety in myriad ways,” Birmingham said.

The U.S.District Court for the Eastern District of California recently granted a preliminary injunction in connection with a similar lawsuit that pointed to the failure of another federal agency, the Fish and Wildlife Service, to prepare an environmental assessment before imposing a set of restrictions on behalf of the Delta Smelt that cut California’s water supply by nearly one third. Hearings on the merits of those challenges will be conducted later this year.

“The Obama Administration’s salmon plan mimics the smelt proposal and it suffers from the same defects,” Birmingham pointed out. In both the smelt and salmon proceedings, Westlands filed its lawsuit jointly with the San Luis & Delta-Mendota Water Authority.

The smelt cutbacks have cost California more than 660,000 acre feet of water last year and they have reduced water supplies by another 480,000 acre feet so far this year. The federal plan for salmon would continue all of those reductions and could take as much as another 500,000 acre feet of water out of the water system, according to the California Department of Water Resources. Those combined losses add up to enough water to serve nine million people for a year.

“The federal agencies pushing this plan have refused to estimate what the total loss of water will be. And they won’t say what it is going to cost taxpayers either,” Birmingham said. “But the Department of Water Resources reports that the smelt and salmon restrictions will add \$500 million a year to the cost for public agencies to continue delivering water. And that doesn’t include the much larger capital costs for the changes that these federal agencies are demanding in existing dams and other water facilities.”

In announcing the salmon plan, the regional commissioner for the federal Bureau of Reclamation acknowledged that its implementation would mean that there will no longer be reliable water supplies for California agriculture and that there will not be any additional water available for cities that are growing.

“It is simply outrageous that federal authorities would seek to force these restrictions on California without conducting a single public hearing, without any public review or comment, and without any consideration of the harm they are doing,” Birmingham said.

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