



Westlands Water District

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WESTLANDS WATER DISTRICT PRESS RELEASE

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Court Rejects 2009 Salmon Biological Opinion: It Is Found To Be Unlawful

FRESNO, CA – Today the United States District Court found that the 2009 biological opinion issued for the protection of salmon was “arbitrary, capricious, and unlawful,” and the Court remanded the biological opinion to the National Marine Fisheries Service for the development of a new opinion. Tom Birmingham, the general manager of Westlands Water District, observed “the Court got it right again. The Court has repeatedly found that the federal agencies charged with implementing the Endangered Species Act have failed to comply with the law because they have failed to base their decisions on science, and they have failed to explain the basis for their conclusions. Those agencies now have an opportunity to make fundamental changes in the way they implement this law, and it is our hope that they take advantage of that opportunity.”

In his opinion, Judge Wanger reprimanded the federal agencies for their reliance of “equivocal or bad science to impose RPA [Reasonable and Prudent] Actions without clearly explaining or otherwise demonstrating why the specific measures imposed are essential to avoid jeopardy and/or adverse modifications.” He further stated that National Marine Fisheries Service “did not act lawfully by failing to distinguish between baseline effects and effects of the action.”

“This is once again a call for sound science. The operations of the farmers we serve are repeatedly crippled by regulations that provide little, if any, benefit to fish. We must find a better way to serve the needs of these fish and the people who depend on water supplied by these projects,” said Birmingham.

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