

Congress of the United States
Washington, DC 20515

October 14, 2021

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington D.C. 20240

The Honorable Wade Crowfoot
Secretary
California Natural Resources Agency
715 P Street, 20th Floor
Sacramento, CA 95814

Dear Secretary Haaland and Secretary Crowfoot:

We write to express our strongest concerns over new court filings in the State of California's lawsuit challenging the 2019 Biological Opinions for the continued coordinated operations of the federal Central Valley Project and the State Water Project.

We understand the new filings include an unprecedented operations plan for the coming water year, submitted by the State with the federal Bureau of Reclamation. Amid ongoing extreme drought conditions facing California and across the West, a court-ordered water management plan for a single water year, which has not been subject to adequate scientific or public review, is the worst possible outcome.

The recently concluded water year was the worst drought year since 1976-1977. Lack of water has brought hardship and lost jobs to farms, farmworkers, and communities in the Central Valley. We must do all we can to provide reliable water supply to our communities, safeguard our environment, and to ensure that we grow the food needed to feed our nation. The drought has had equally devastating impacts on protected fisheries in the Central Valley, which the interim water operations plan would not fix but, instead, undercut any continued voluntary habitat restoration efforts for protected species.

When the State of California and federal government began developing different water project operation requirements, we warned in April 2020 that protracted litigation was likely to occur that would have dire impacts for California. We fear that is now becoming reality.

The interim operations plan submitted to the court seemingly reverts to a calendar-based approach using historical averages predating 2009, which neither account for changing hydrological conditions due to climate change nor conditions on the

ground for protected fish species such as habitat restoration efforts. It simply makes no sense and is both bad public policy and a backslide to an outdated approach.

Moreover, the interim water operations plan prevents progress on reaching voluntary agreements that most agree would improve California's water system and sustainability. Governor Newsom committed to finalize such voluntary agreements in his 2020 California Water Resilience Portfolio. This court filing by the State and federal government undermines that commitment.

A sustainable operations plan needs to incorporate real-time monitoring, adaptive management, and other flexibility so that water can get to areas experiencing extreme drought and water supply shortages. Any such water operations plan also needs to account for the needs for fisheries as determined by conditions in real time, not calendar-based flow averages. The interim operations plan falls flat on both accounts.

If the federal court process continues to unfold as we expect, we foresee more lawsuits driving operational decisions, which are best left to operations, environmental, and water professionals, not judges and attorneys. Court-ordered management throws California's water supply into chaos, ignoring an already punishing drought year. Simply put, it would inflict avoidable harm on our state's economy, people, and the environment.

We urge you to commit to resolving operational differences through compromise instead of prolonged litigation detrimental to the people we all serve. Thank you for your consideration.

Sincerely,



JIM COSTA
Member of Congress



JOHN GARAMENDI
Member of Congress

/s/

JOSH HARDER
Member of Congress