
**SWP Contractors release concerning litigation filed challenging the
2009 Biological Opinion (August 6, 2009)**



FOR IMMEDIATE RELEASE:

August 6, 2009

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**STATE WATER CONTRACTORS ASKS COURT TO INVALIDATE FEDERAL REGULATIONS THAT LIMIT
WATER SUPPLY FOR PEOPLE, FARMS AND BUSINESSES**

Biological Opinion for Salmon Based on Flawed Science, Violates Endangered Species Act

Sacramento, CA – The State Water Contractors (SWC) filed a lawsuit today against federal agencies challenging regulations that further limit the amount of water that can be pumped through the Sacramento-San Joaquin Delta (Delta). The regulations, outlined in a biological opinion for Chinook salmon, steelhead and green sturgeon, failed to take into account the many other factors contributing to the fish population decline, such as changing ocean conditions. It also failed to consider the very real impacts that the regulations would have on people, a requirement of the National Environmental Policy Act.

The California Department of Water Resources has estimated that the new salmon regulations will result in average cuts of 300,000 to 500,000 acre-feet each year. This is on top of the cutbacks already in place because of another fish species, the Delta smelt. So far in 2009, 430,000 acre-feet of water – enough to serve more than two million people for one year – has been cut from the state's water supply in order to satisfy the requirements of the Delta smelt biological opinion.

"Public water agencies recognize the regulators' concerns about the decline in fisheries, but we must be strategic in how we address the decline," said Laura King Moon, assistant general manager of the State Water Contractors. "This is a substantial cutback on top of already greatly curtailed supplies due to the effects of a three-year drought."

Although the regulatory response to the decline in salmon populations has focused solely on the state and federal water projects, federal wildlife agencies recently identified changing ocean conditions as the primary cause, in addition to significant ocean harvests (<http://swr.nmfs.noaa.gov/media/SalmonDeclineReport.pdf>). Other factors impacting fish populations include invasive plants and animals that are upsetting chemical and biological balances in the Delta, toxic runoff from pesticides and wastewater treatment plant discharges, and predation by sport fishing species – all of which have dramatically altered the natural food web.

"These cuts have real costs to our customers and to the state's economy. It is not at all clear that additional supply cutbacks will help improve the fishery any better than previous cutbacks," added Moon. "We need to use the best available science and that means taking a close look at the many other factors contributing to the fish decline."

At the center of these regulatory restrictions is the failing Delta – a critical estuary and the hub of California's primary water delivery systems. Public water agencies, environmental organizations, and state and federal agencies are working together to develop a long-term solution. The Bay Delta Conservation Plan (BDCP), a comprehensive conservation plan for the Delta, will provide a basis for addressing the many threats to the Delta needed for fishery and ecosystem recovery, while finding a way to continue to deliver water to Californians throughout the state.

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The State Water Contractors is a statewide, non-profit association of 27 public agencies from Northern, Central and Southern California that purchase water under contract from the California State Water Project. Collectively the State Water Contractors deliver water to more than 25 million residents throughout the state and more than 750,000 acres of agricultural lands. For more information on the State Water Contractors, please visit www.swc.org.