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**STATE WATER CONTRACTORS CHALLENGE FISH AND GAME  
COMMISSION DECISION ON LONGFIN SMELT**

*New Regulations Violate California Endangered Species Act, Threaten Water Supply*

**Sacramento, CA** – The State Water Contractors, a statewide organization of 27 public water agencies, filed a lawsuit today against the California Fish & Game Commission and the California Department of Fish & Game challenging the Commission’s recent decision to potentially impose substantial cuts in State Water Project (SWP) water deliveries to much of the San Francisco Bay Area, the San Joaquin Valley and Southern California in an effort to protect the longfin smelt. The lawsuit asserts that the Commission’s November 14, 2008 decision opens the door for dramatic new restrictions on SWP and Central Valley Project (CVP) water pumping operations out of the Sacramento-San Joaquin Delta (Delta) without any significant corresponding benefit to the fish species and, in so doing, violates key elements of the California Endangered Species Act. Last month, the Commission approved these regulations as a precautionary measure in its desire to protect the longfin smelt, a fish species found in estuaries from Monterey Bay to Alaska.

The lawsuit, filed in Los Angeles County Superior Court, contends that project operations do not have a significant impact on the longfin smelt; that the water supply impact of the regulation is grossly disproportional to any potential benefit the regulation will provide to the longfin smelt and that it fails to maintain the purpose of the SWP to the maximum extent possible—all as required by the terms of the California Endangered Species Act. The lawsuit also asserts that the regulations are not supported by credible, scientific information demonstrating that project operations are having a significant impact on the longfin smelt.

The regulation could reduce water deliveries by the SWP and federal CVP by more than a million acre feet in the face of the ongoing drought currently impacting California. This is enough water to meet the needs of more than five million Californians for a year. The SWP and CVP are California’s primary water delivery systems – a cutback in water deliveries of the size that may occur as a result of the challenged regulation will would have very costly impacts on California’s economy and the 25 million residents and millions of acres of farmland served by SWP and CVP water. By contrast, the cutbacks would only benefit 50 to 250 fish – much less than 1 percent of the total longfin smelt population.

“The economic impact of these new regulations will be huge, especially when combined with drought and existing regulatory restrictions,” said Laura King Moon, assistant general manager of the State Water Contractors. “Given the miniscule benefit to the fish, there appears to be something wrong with this picture.”

The Commission's decision also fails to consider the many other factors that scientists have identified as possible reasons for the decline in fish populations. Invasive plants and aquatic animals are wreaking havoc on chemical and biological balances, toxic runoff from pesticides and wastewater treatment plant discharges are flowing through Delta waters and nonnative predator fish introduced for sport fishing have altered the natural food web.

"By focusing only on the pumps, we're ignoring the many other factors that impact the fish. That's a disservice to the people of California and the Delta ecosystem," added Moon.

These restrictions are in addition to severe cutbacks already imposed to address the decline of another similar fish species, the Delta smelt. Last year, a federal judge cut 660,000 acre-feet from the water system, a 31% reduction that could have served 5.3 million Californians for one year.

In addition to regulatory cutbacks, California has been hit with ongoing dry conditions. State reservoirs are drying up and many are at their lowest levels in years. To make matters worse, our infrastructure is compromised. Twenty-five million Californians and more than three million acres of agricultural land currently benefit from water supplies moved through the Delta. However, the water delivered through the Delta is at risk because of the estuary's failing condition, antiquated levees and the threat of natural disaster.

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. For more information on the BDCP, please visit <http://www.resources.ca.gov/bdcp/>.

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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](http://www.swc.org).*