



**California Sportfishing
Protection Alliance**

"An Advocate for Fisheries, Habitat and Water Quality"



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Public Trust, Unreasonable Use Complaint Filed With State Board Groups will Sue in 60 Days if Board Fails to Schedule Evidentiary Hearing

Two statewide environmental organizations filed a public trust, waste and unreasonable use of water and method of diversion petition with the State Water Resources Control Board today (March 19) contending the Board has failed to halt the continuing ecological collapse of the San Francisco Bay-Delta estuary by permitting excessive amounts of Northern California water to be pumped to western San Joaquin megafarms and Southern California.

The California Water Impact Network (C-WIN) and the California Sportfishing Protection Alliance (CSPA) contend the Water Board has allowed the California Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (Bureau) to pump so much water each year from the beleaguered Delta that many fish species have been pushed to the brink of extinction, forcing citizen groups to turn to the courts instead of the Water Board, which has primary authority for protecting the state's surface water supplies.

"The Water Board has served as a handmaiden for decades to special interest groups instead of doing its job as a regulatory agency," said Carolee Krieger, Chair of the C-WIN board of directors. "Dying fish populations and degraded drinking water are the result of this shocking dereliction of duty. It is time board members realize they have a duty to protect the public's interest in our state's aquatic resources and drinking supplies," she added.

Bill Jennings, executive director of CSPA noted that because of the ongoing failure of the Water Board to do its job a federal judge in Fresno recently was forced to order reduced pumping in the Delta to protect endangered fish species - an action C-WIN and CSPA said the Water Board should have taken years ago.

"The stall-and-delay tactics of the Water Board as the Central Valley's salmonid fisheries and the Delta's pelagic fishers collapse borders on the criminal," said Jennings, a longtime critic of the Water Board's history of inaction and delay. "Watching fisheries that God nurtured over tens of thousands of years being virtually destroyed in less than two decades while DWR, the Bureau and the State Board continue their embrace of denial is surely one of the most wretched and despicable spectacles we have ever witnessed," he said.

The two groups say that if the Water Board does not take decisive action to begin reversing the decline of the Delta within the next 60 days they will take the matter into state court.

The page petition filed by C-WIN attorney Michael B. Jackson notes that despite a massive accumulation of evidence that something is seriously wrong in the Delta, the Water Board has still not established mandatory minimum daily flows from upstream dams on the main rivers feeding the Delta in order to protect salmon and other species of fish. The petition alleges the Water Board is violating the Public Trust Doctrine, the California Constitution and numerous California Water Code sections and federal laws

by allowing clearly excessive export of Northern California water from the South Delta pumps resulting in an unreasonable use and method of diversion of water. While there is more than one cause contributing to the Delta's decline, including invasive species and degraded water quality, excessive pumping is clearly the main problem, the petition contends.

Water Board action demanded by the two groups includes: (1) modification of existing water rights to improve the fishery; (2) mandatory daily flow requirements; (3) mandatory pulse flows during salmon migration; (4) functional fish passage facilities on all dams; (5) state-of-the-art fish screens on all diversion points to prevent young fish from being ground up in the Delta pumps or sucked down irrigation ditches; (6) requiring DWR and the Bureau of Reclamation to begin actually complying with all water and fishery protection laws; and (7) establishing minimum pool and temperature requirements on all water storage reservoirs to protect fish.

The petition requests the board to begin holding evidentiary hearings including testimony under oath, cross-examination and rebuttal on the issues raised as soon as possible.

CSPA is a public benefit conservation and research organization established in 1983 for the purpose of conserving, restoring, and enhancing the state's water quality, fisheries and associated aquatic and riparian ecosystems. On behalf of its members, CSPA participates in administrative and judicial proceedings before state and federal agencies and actively enforces laws protective of fisheries and water quality.

C-WIN is a non-profit public benefit corporation formed under the laws of the State of California for the purpose of protecting and restoring the scenery, fish and wildlife resources, water quality, recreational opportunities, agricultural uses, and other natural environmental resources and uses of the rivers and streams of California, including the Bay/Delta, its watershed and its underlying groundwater resources.