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DWR Pursues Detrimental State Water Project Contract Amendments

In 1994, the Department of Water Resources (DWR) secretly negotiated a behind closed doors deal with water interests to alter the allocation of California water by amending the State Water Project (SWP) contracts. As part of that deal, which led to the so-called “Monterey Amendments,” the State agreed to eliminate drought assurances for urban areas and to give away State owned water storage facilities. The State also agreed to provisions that have contributed to the current crisis in the Delta. A successful lawsuit by the Planning and Conservation League and two other plaintiff groups resulted in a decision in 1995 that required DWR to analyze the impact of the proposed Monterey Amendments in a new Environmental Impact Report, and to issue a new decision based on that EIR analysis. On October 19, 2007, DWR released a new Draft EIR (DEIR), and announced that it planned to implement the Monterey Amendments on a permanent basis. Fortunately, there is still time to stop that from happening.

What Would the Contract Amendments Do?

Eliminate drought & water shortage safeguards for urban areas, including homes and businesses:

The original State Water Project (SWP) contracts protected California’s cities and businesses by ensuring that water would be delivered to these areas even in times of drought or water shortage.

The proposed Amendments would permanently eliminate this safeguard and expose California’s cities to much higher risks of water shortage during the State’s periodic droughts. These safeguards may have prevented the cutbacks to urban areas earlier this year that resulted from the Delta ecosystem collapse. In addition, by DWR’s own estimate, in dry years like 2001 the SWP Amendments would reduce water supplies for urban areas by more than 400,000 acre-feet (a 26% reduction in SWP deliveries to urban areas).

Give away the one of the State’s largest water banking and storage facility:

As part of these Amendments, DWR is proposing to give away the state-owned Kern Water Bank to the Kern Water Bank Authority, which is responsible to local (not statewide) interests. At the same time, the Governor is proposing that the taxpayers spend billions to build water storage facilities that would provide a fraction of the capacity of the Kern Water Bank.

Promote the use of “paper water” and unsustainable reliance on delta water:

These Amendments would eliminate a contract provision that requires DWR to reassess the actual capacity of the SWP. Despite the fact the SWP was never completed as originally envisioned, DWR continues to promote the misconception that the originally envisioned yield of the SWP can be delivered with the existing facilities. Without a reassessment, DWR is encouraging regions across the state to rely on water that exists only on paper contracts, not in the real world. By avoiding this painful reality, DWR has mismanaged California’s valuable water resources and has put our economy at risk. The problem recently came to a head when Judge Wanger forced DWR to reduce water deliveries that violated endangered species laws.

Are these SWP Amendments Permanent?

NO! DWR must decide whether to accept these SWP Amendments as part of their review of the “Monterey Amendments Environmental Impact Report.” DWR is proposing to make these amendments permanent.

You can help stop these amendments by commenting on the impacts of the Monterey Amendments.

Comments are due on December 13, 2007.

For more information contact Mindy McIntyre at mmcintyre@pcl.org or (916) 313-4518.



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