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June 12, 2012

The Honorable Ken Salazar
Secretary of Interior
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Mr. Secretary:

The State of California is poised to make an enormous mistake, and potentially drag the Department of Interior and the American people along with it. California Secretary for Natural Resources, John Laird, recently informed us in a May 24, 2012, briefing that the State intends to proceed with construction of a world-record-size tunnel or pipes capable of diverting 15,000 cubic feet per second from the Sacramento River - nearly all of its average freshwater flow. Diversion of this water, which is the most pristine source of water to the San Francisco Bay Delta Estuary, would have devastating ecological impacts. Scientists within the Department of Interior have been pivotal in assessing these impacts and have raised "red-flag" warnings. This \$20 to \$50 billion dollar, highly controversial project will primarily serve to deliver Sacramento River water, through State and Federal pumps, to provide subsidized irrigation water to corporate agricultural operations of the western San Joaquin Valley.

In addition to the ecological devastation, the project will destroy jobs dependent on tourism, farming, recreation, fishing and seafood production in California and the entire

Pacific Coast. The decision outlined in the May 24th briefing has stirred urgent concerns among fishing communities, farming communities, and conservation organizations throughout the West Coast. This project is a poorly conceived assault on the public trust that desperately needs a strong hand of reason from your Department.

The State has not provided the details of how it reached this proposed action—nor have they answered questions about significant constructability challenges, provided blueprints, or developed a plan of operations. The State has not answered our questions regarding how the 22 species facing extinction in the Delta Estuary will be protected from this massive engineering project and water diversion. We are not reassured by the State's announcement that this project proposal was not pre-decisional and would not undermine the lawful environmental consideration of the project. We were surprised and dismayed that the State of California is headed in this direction, as it appears to contradict or ignore the consensus of expert opinions repeatedly expressed by scientists with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the National Research Council of the National Academy of Sciences. Most recently, State and Federal fishery and wildlife agencies issued official "red flag memos" detailing their concerns that the 50-year permit could hasten the extinction of Central Valley salmon, Delta smelt, longfin smelt and other fish species.

We need you, Mr. Secretary, to take a stand for the public. It would be folly for the Department of Interior to follow the State of California down this risky path. We hope that Interior will instead work to dissuade the State from pursuing this misguided policy. As you know, the Federal and State funding and cooperative assistance agreement, signed in March 2009, promised the following: "*Reclamation will, upon completion of the Program, have the documentation and engineering information **to gain Congressional approval to move toward feasibility, design, and implementation of restoration projects to benefit fish and wildlife habitat.***" [Emphasis added Cooperative Agreement 09FC200011 Page 3 of 32]

We urge you to uphold the Obama Administration's promise to ensure the Department of Interior's scientific integrity and not bow to political pressure. Circumventing peer-reviewed science with faulty modeling, analysis, and engineering, as the State is proposing, is legally questionable and will damage public trust. Further, protecting our national public trust demands the Department of Interior champion the State of California's flow criteria to protect public trust resources for the San Francisco Bay-Sacramento-San Joaquin Delta (Delta) ecosystem and water quality.

The Department of Interior should also raise the Cooperative Agreement's requirement to "*...address measures that improve conditions for and allow conservation and rehabilitation of habitat supporting the Federally-listed endangered Delta smelt, winter-run Chinook salmon..... These species are considered by many to be the gauge of the health of the Delta ecosystem. Additionally, consider measures that benefit other fish, wildlife, and bird species that have been negatively affected by changes to the natural ecosystem, some caused by Central Valley Project operations.*" [Cooperative Agreement 09FC200011 Page 2 of 32.] No justification has been given for the scale of the proposed tunnels or pipe, nor is there any assurance of operations consistent with ecosystem goals.

Please do not put the interests of South-of-Delta water contractors before the public and San Francisco Bay-Delta dependent farmers, fishermen, and local communities. Narrow special interests should not be allowed to take these public water resources for private gain without regard to costs to one of our nation's most important estuaries. Mr. Secretary, two-thirds of existing Delta Estuary water exports serves corporate irrigators of the western San Joaquin Valley, which accounts for less than .5 percent of California's economy and population. Less than a third of the water goes to the urban areas that make up half of the state's population and economy. Levels of water demand are artificially high due to taxpayer subsidies. Basic fairness, binding commitments, and economic reality all demand that the fast tracking of this massive engineering experiment be rejected because it cannot meet basic legal, economic, and scientific requirements.

We urge you to take the rightful stand against this project and reject these unsustainable water demands and their high public costs, and instead invest in more efficient use of our scarce water resources through cost-effective water conservation and recycling. This will not only protect the pocket books of millions of California ratepayers and U.S. taxpayers, but will help ensure that legally-required salmon doubling goals, estuary restoration, and public trust values are honored for future generations. The planning for California's water future must return to a lawful, science-based, inclusive, and transparent process. The San Francisco Bay-Delta Estuary must not be stripped of the freshwater flows upon which so many vital public trust resources and West Coast communities depend. From its inception, this plan has been crafted by, and for, South-of-Delta exporters. They have used their economic power to influence and rush this half-baked, multi-billion dollar water tunnel.

Planning for California's legitimate water needs, and preserving recreational, fishery, environmental and agricultural resources are way too important to be rushed. California voters said "No" thirty years ago to a plan to dewater the Delta Estuary. It is doubtful they will like the idea any better this time. As Representative Grace Napolitano determined from Congressional testimony, water efficiency and conservation can save one million acre feet of water quickly and cost-effectively—and can start now.

It will be an unimaginable shame if the Department of Interior, the keeper of the public trust resources of our Nation, makes the mistake of going along with the State's poorly conceived and destructive plan.

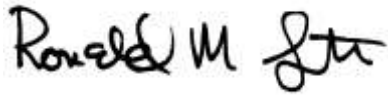
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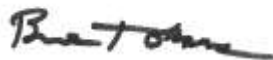
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