



March 26, 2007

## **Statement by DWR Director Lester A. Snow on Delta Pumping Permit Court Ruling**

*The following are statements made by DWR Director Lester Snow during a Resources Agency news media briefing on March 23, 2007 in response to a proposed decision in the case of Watershed Enforcers v. Department of Water Resources.*

-----

We're perplexed with the court's ruling in this case. We find the prospect of curtailing pumping to be unacceptable in terms of the economic consequences to the state.

We are committed to developing a cutting edge conservation package for the Delta, and have been for some time. We're also working with federal agencies on development of a new biological opinion. We certainly will suggest that the judge reconsider his draft decision and put it in terms that are more logical and acceptable to developing a conservation program for the Delta.

Still, this is one more indication of how unsustainable the Delta is. Every time there is an issue or a conflict, we end up in court – but not to solve the bigger issues of the Delta. This is one reason that the Governor has initiated a Delta vision process and that there is so much attention on Delta issues.

Included in the Governor's growth plan is a proposed \$1 billion for Delta sustainability issues. We want to address Delta environmental issues in a comprehensive fashion rather than leaping from one court case to the next court case. We are committed to fixing the problem, we're committed to protecting Delta smelt and other endangered species, and we're committed to maintaining the economy of the State of California.

-----

*Alameda County Superior Court Judge Frank Roesch issued a proposed decision on March 22 that State Water Project pumps sending water to the San Francisco Bay Area, Central and Southern California must be turned off within 60 days unless the state complies with permit procedures*

*designed to protect endangered fish. DWR has 15 days to submit additional information to the court for consideration.*

*The ruling followed filing of a suit last December by the California Sportfishing Protection Alliance alleging that the state did not have the appropriate permit to take certain fish species (spring and winter-run salmon and delta smelt) during pumping operations at the Harvey O. Banks Pumping Plant near Byron, in the Sacramento-San Joaquin Delta.*

*DWR has asserted that it does have a “take” permit through a series of documents formalized over the past 15 years or so. State agencies are also engaged in a formal process to develop the Delta’s largest and most comprehensive habitat conservation plan. This plan will ensure that water users do their part to contribute to the recovery of Delta fish species.*