



News Release
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DWR Files Objection to Proposed Delta Pumps Court Decision

Oakland -- The Department of Water Resources (DWR) today filed its objection to a proposed court decision related to its compliance under the state Endangered Species Act (CESA). The proposed court order would shut down the State Water Project export pumps in the Delta if appropriate permits could not be obtained in 60 days.

The objection, filed with the Alameda County Superior Court, also requested a hearing to address DWR and other parties' objections and to apprise the court of the status of DWR's request for a consistency determination.

"The Department of Water Resources has long been committed to balancing water operations with protection of the Delta environment," said DWR Director Lester Snow. "Today's court filing underscores the department's ongoing efforts to protect these resources, our actions to comply with the court's findings, and the long term strategy to restore Delta ecosystems while ensuring reliable water supplies to 25 million Californians served by the State Water Project."

On March 22, Superior Court Judge Frank Roesch issued a draft ruling in a case brought by Watershed Enforcers that DWR did not have the required state permit to "take" protected fish species in the Delta.

To fully address the court's draft order, DWR has submitted a notice to DFG requesting a "consistency determination" that the federal biological opinions for the state-listed fish are consistent with the CESA. If issued, a determination of consistency by DFG would satisfy the requirements of CESA.

In its court filings, DWR stated again that its prior plans and agreements with DFG for species protection authorize the incidental take of Delta smelt and salmon at its pumps. DWR also filed a declaration detailing potential economic, environmental, and power and water supply impacts of shutting down the Delta pumps. The pumps are necessary in order

to send water to cities, farms and industry in the San Francisco Bay Area, San Joaquin Valley, Central Coast, and Southern California.

Copies of the documents that were filed in court by DWR are posted at www.water.ca.gov.

The Department of Water Resources operates and maintains the State Water Project, provides dam safety and flood control and inspection services, assists local water districts in water management and water conservation planning, and plans for future statewide water needs.

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