

Congress of the United States
Washington, DC 20515

October 21, 2021

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

The Honorable Gina M. Raimondo
Secretary
U.S. Department of Commerce
1401 Constitution Ave. NW
Washington, D.C. 20230

Dear Secretary Haaland and Secretary Raimondo:

We are writing to express our grave concerns with the proposed interim operations plan for the Central Valley Project (CVP) and the State Water Project (SWP) submitted on October 14, 2021, by Federal and State agencies to the United States District Court in the consolidated litigation challenging the 2019 biological opinions for long-term operations of the CVP and SWP (2019 BiOps) and the 2020 Record of Decision on Reinitiation of Consultation on the Coordinated Long-Term Modified Operations of the Central Valley Project and State Water Project (2020 ROD).

The proposed interim operations plan represents a huge step backward in California's effort to protect, restore and enhance the Delta ecosystem and provide reliable water supplies. We are at a complete loss as to why the U.S. Bureau of Reclamation (Reclamation) would agree to the proposed changes in operations, which deviate significantly from operations described in the 2019 BiOps and the 2020 ROD.

The 2019 BiOps and the 2020 ROD: (1) were the product of a consultation that was initiated in 2016 by the Obama administration; (2) reviewed operations of the CVP and SWP proposed by Reclamation and the California Department of Water Resources, which operates the SWP; (3) were prepared by career staff in the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service, under the leadership of the Regional Director of the FWS, an appointee of the Obama administration; (4) were peer-reviewed in the course of their development; and (5) were based on the best scientific and commercial data available, including

what had been learned about the impact of CVP and SWP operations on species in the decade after adoption of the biological opinions they replaced. Furthermore, at the time of their release, these career staff extolled that the 2019 biological opinions would provide greater protection of the listed species, while restoring operational flexibility for the CVP and SWP. Indeed, as explained by career staff in declarations filed in the consolidated litigation, operations under the 2019 BiOps and the 2020 ROD have shown demonstrative benefits to the species resulting from the adaptive, real-time management approach prescribed by the 2019 biological opinions.

Now, less than two years after the 2019 BiOps were issued and accepted through the 2020 ROD, the Reclamation and State agencies have proposed, without any explanation, an interim operations plan that seemingly reverts to a calendar-based approach using historical averages, which accounts for neither changing hydrological conditions nor real-time biological needs or environmental information concerning listed fish species, such as their distribution. At a minimum, any changes in operations adopted through an interim operations plan that further restrict water supply must be based on an analysis that employs the best available science and provides a clear explanation of why the changes are required to avoid jeopardy or adverse modification of designated critical habitat. (It must be noted that for some species, which have a three-to-four-year life cycle, it would be difficult to reach that conclusion because the 2019 biological opinions have not been given time to work.) In addition, prior to the adoption of changes in operations through an interim operations plan, Reclamation must prepare an adequate analysis under the National Environmental Policy Act, as it did in 2019 prior to the adoption of an interim operations plan for Klamath Project.

Accordingly, we request that you defer implementation of the proposed interim operations plan until the agencies in your respective departments: (1) evaluate whether the proposed changes are required to avoid jeopardy to federally listed species or adverse modification of designated critical habitat; and, (2) analyze potential impacts of the proposed operational changes on the environment, species, and water supply. During that process, it is our expectation that, consistent with Section 4004 of the Water Infrastructure Improvements for the Nation Act, you will involve public water agencies that contract for the delivery of water from the CVP and SWP.

We understand fully that California is experiencing extraordinary drought conditions. However, those extraordinary drought conditions make it all the more important that decisions regarding the management of water be carefully evaluated and explained. Those decisions will affect millions of people, in nearly every region of the State, millions of acres of farmland, and the environment. Care must be taken to ensure that additional, avoidable hardships are not imposed on people already experiencing hardships because of the pandemic and ongoing drought.

Thank you for your attention to this matter. We look forward to your prompt response and request we receive your response no later than November 4, 2021.

Sincerely,



David G. Valadao
Member of Congress



Ken Calvert
Member of Congress




Darrell Issa
Member of Congress



Doug LaMalfa
Member of Congress



Devin Nunes
Member of Congress



Michelle Steel
Member of Congress



Kevin McCarthy
House Republican Leader



Mike Garcia
Member of Congress



Young Kim
Member of Congress



Tom McClintock
Member of Congress



Jay Obernolte
Member of Congress