

Congress of the United States
Washington, DC 20515

April 28, 2020

The Honorable Gavin Newsom
Governor of California
State Capitol, Suite 1173
Sacramento, CA 95814

The Honorable Xavier Becerra
Attorney General
1300 "I" Street
Sacramento, CA 95814

Dear Governor Newsom and Attorney General Becerra:

We strongly support the State of California's legal challenge to the Trump Administration's scientifically unsound biological opinions for water project operations in the Bay-Delta, and we were heartened by the State's recent court filings against the administration's environmental rollbacks. The adoption of these biological opinions is unlawful, as they weaken and eliminate critically needed protections for California's fish and wildlife in the Bay-Delta watershed. They not only threaten to drive California's native fish and wildlife extinct, but also threaten thousands of fishing jobs and communities that depend on a healthy Delta. We are grateful that the State has amended its complaint to require the Trump Administration to comply with California law and has filed a motion for preliminary injunction to enjoin the Trump Administration's full implementation of their 2019 biological opinions.

We strongly agree with your Administration's determination that the Trump Administration's 2019 biological opinions "are not scientifically adequate and fall short of protecting species and the state's interests." That conclusion is consistent with the findings of independent scientific peer reviews of the biological opinions and whistleblowers from federal agencies who publicly disclosed the National Marine Fisheries Services' July 1, 2019 biological opinion, which concluded that these proposed operations jeopardize the continued existence of endangered and threatened salmon and steelhead in the Bay-Delta.

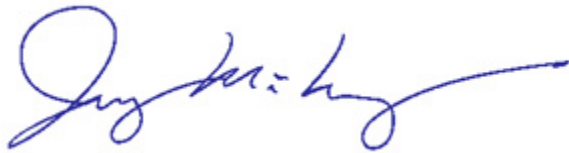
Currently, the federal Central Valley Project (CVP) is not subject to the same regulations that apply to the State Water Project (SWP), and as a result the CVP this month has pumped substantially more water from the Delta than the SWP. This not only harms fish and wildlife but also reduces water supply for State Water Contractors. Moreover, the National Marine Fisheries Service has estimated that the Bureau of Reclamation's proposed operations of Shasta Dam this year will kill between nearly half and three quarters of the endangered winter-run Chinook salmon. The State's legal challenge—and actions by State agencies like the State Water

Resources Control Board this year—are critical to prevent these inequitable and unreasonable harms to fish and wildlife and water supply for other water users.

Congress has previously empowered the State of California to require the operations of the CVP to comply with State law, which includes the requirements of the California Endangered Species Act. No one should be above the law. Exempting the CVP from these requirements is unfair to other water users and harms the environment – and the many California communities and thousands of jobs that depend on it. We are pleased that the State’s amended complaint seeks to remedy this inequitable result.

Californians overwhelmingly reject the Trump Administration’s efforts to weaken environmental protections and subvert science. We applaud the State’s recent court filings to protect the environment and hold the Trump Administration accountable, and we urge the State to use its full authority to prevent further harm to the Bay-Delta environment this year.

Sincerely,



JERRY MCNERNEY
Member of Congress



JARED HUFFMAN
Member of Congress



RAÚL M. GRIJALVA
Member of Congress



ALAN LOWENTHAL
Member of Congress



MIKE THOMPSON
Member of Congress



DORIS MATSUI
Member of Congress