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Letter: Delta Water Tunnels Project Violates Endangered Species Act, Will Hurt Imperiled Salmon

SACRAMENTO, *Calif.*— Conservation groups [warned](#) state and federal regulators today that the Delta Water Tunnels project (the so-called “California Water Fix”) to build massive tunnels to divert water from the Sacramento River to the Central Valley and State Water Projects cannot be permitted under the Endangered Species Act because it would adversely affect protected critical habitat for endangered salmon runs and other imperiled fish species in the Bay-Delta and Sacramento River.

“The Water Tunnels project agencies are pandering to special-interest groups while ignoring their public trust responsibilities for endangered species, the health of the Bay-Delta Estuary, and to future generations,” said Robert Wright, senior counsel for Friends of the River. “We must never forget that while profit is for today, extinction is forever. Building the tunnels would mean the permanent loss of our salmon runs.”

“Governor Brown and the Bureau of Reclamation are determined to destroy what remains of our salmon runs and consign the native fish in the Delta to extinction — all to send more Sacramento River water south to wealthy agribusiness,” said Jeff Miller with the Center for Biological Diversity. “This water diversion scheme isn’t legal, since federal agencies are not permitted to adversely alter critical habitat that is explicitly protected for the recovery of these endangered fish. Such blatant disregard for the Endangered Species Act will certainly make this project ripe for litigation.”

“Documents obtained through the public records act show plans to take hundreds of farms by eminent domain to build the tunnels,” said Barbara Barrigan-Parrilla, Restore the Delta’s executive director. “Despite massive public opposition and an ongoing public comment period, open until October 30, the governor has his hard hat ready to go for this project. This process has become increasingly un-democratic.”

Friends of the River, Restore the Delta, the Center for Biological Diversity, California Water Impact Network, California Sportfishing Protection Alliance and the Environmental Water Caucus (a coalition of more than 30 nonprofit environmental and community organizations and California Indian tribes) sent a letter today to the California Department of Water Resources, U.S. Bureau of Reclamation, California Natural Resources Agency and federal regulatory agencies objecting to the tunnels project proposal to adversely modify critical habitat for five threatened and endangered fish species. The project would divert enormous quantities of freshwater from areas that are designated as critical habitat for endangered Sacramento River winter-run chinook salmon and four other threatened species: Central Valley spring-run chinook salmon, Central Valley steelhead trout, southern green sturgeon and delta smelt.

The groups warned that the Delta Water Tunnels project is not permissible under the Endangered Species Act and that the Bureau of Reclamation has failed to obtain biological opinions or reasonable and prudent alternatives from the U.S. Fish and Wildlife Service and National Marine Fisheries Service regarding impacts to protected fish species, as required under the Endangered Species Act.

Read the letter [here](#).

Background

Four distinct runs of chinook salmon spawn in the Sacramento-San Joaquin River system. Winter-run chinook enter the Sacramento River as adults from December through early August. Sacramento winter-run chinook currently only spawn in a small section of the upper Sacramento River, with historic spawning areas in the McCloud, Pit, and Little Sacramento Rivers blocked by Shasta and Keswick dams. The spawning run has declined from more than 100,000 fish in the late 1960s to only a few thousand annual spawners. Spring-run chinook adults enter the Sacramento River from late March through September, hold in cool water habitats through the summer, then spawn in the fall. Spring-run chinook were historically the most abundant salmon run in the Central Valley, with runs of more than 600,000 fish. Central Valley spring-run chinook salmon now only have remnant runs of about 10,000 or less wild fish in Mill, Deer and Butte creeks, tributaries to the upper Sacramento River.

Historically 1 million to 2 million Central Valley steelhead trout spawned each year in 81 different reaches of tributaries of the Sacramento and San Joaquin rivers, but now fewer than 10,000 steelhead spawn each year. The southern population of green sturgeon has been reduced to about 300 spawning fish annually in the Sacramento River. Former spawning populations in the Eel River and San Joaquin River have been eliminated. The delta smelt was once one of the most common and abundant of the Delta's open water fishes. Excessive water diversions have driven the species to near extinction. Recent surveys failed to detect any delta smelt for the first time surveys began in 1959.

The Delta Water Tunnels project would divert vast amounts of fresh water from the Sacramento River between Clarksburg and Courtland and ship it through two tunnels roughly 35 miles south for the Central Valley and State Water Projects. This massive new diversion would prevent freshwater from flowing through the Sacramento-San Joaquin Delta during critical life stages for each of the five listed endangered and threatened fish species, and significantly alter their critical habitats. Under the Endangered Species Act, federal agencies are prohibited from destroying or adversely modifying designated critical habitat for any listed species.

[Friends of the River](#), California's statewide river conservation organization, protects and restores California rivers by influencing public policy and inspiring citizen action. The [California Sportfishing Protection Alliance](#) works to conserve, restore, and enhance the state's water quality, wildlife and fishery resources and their aquatic ecosystems and associated riparian habitats. The [California Water Impact Network](#) advocates for the just and environmentally sustainable use of California's water. The [Center for Biological Diversity](#) is a national, nonprofit conservation organization with more than 900,000 members and online activists dedicated to the protection of endangered species and wild places. The [Environmental Water Caucus](#) is a coalition of more than 30 nonprofit environmental and community organizations and California Indian Tribes that works to achieve comprehensive, sustainable water management solutions for all Californians. [Restore the Delta](#) is a grassroots campaign of more than 20,000 people devoted to saving the San Francisco Bay Delta estuary for our children and future generations.