

San Luis & Delta-Mendota Water Authority

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The San Luis & Delta-Mendota Water Authority serves 29 member agencies reliant upon water conveyed through the California Bay-Delta by the United States Bureau of Reclamation's Central Valley Project. These public water agencies deliver water to approximately 1.2 million acres of prime farmland, 2 million California residents, and millions of waterfowl dependent upon the more than 100,000 acres of managed wetlands within the Pacific Flyway.

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(The following is a statement by Dan Nelson, Executive Director of the San Luis & Delta-Mendota Water Authority on the 9th Circuit Court of Appeals Decision to overturn 2011 Wanger Ruling)

"A split decision issued today by the U.S. Court of Appeals for the Ninth Circuit has further jeopardized the delivery of water to residents of small, often disadvantaged rural communities in the San Joaquin Valley as well as 25 million Californians statewide and 3 million acres of the nation's most precious farmland.

"In a 2-1 vote, the Ninth Circuit overturned a 2011 ruling by U.S. District Court Judge Oliver Wanger that found the science used to establish biological opinions governing the flow of water through the Sacramento-San Joaquin Delta was 'arbitrary, capricious and unlawful.' Though the majority of the Ninth Circuit panel concluded the U.S. Fish and Wildlife Service's biological opinion is a 'jumble of disjointed facts and analyses', they found Judge Wanger's ruling was based upon scientific evidence he should not have considered.

"While limiting the amount of information one should consider when making vital decisions may be a constraint of the law, in the real world we believe that all of the relevant science should have been weighed when writing the biological opinions. Fortunately, the science has come a long way since 2008 when the biological opinions were written and the United States must now reconsider its earlier opinions in light of new, advancing information. A collaborative effort underway now to develop a common understanding of the science among regulators, public water agencies and environmentalists is the best path toward developing durable and effective environmental regulations.

"These biological opinions have harmed south of Delta water users by reducing the amount of water delivered to people, farms and businesses. And for this sacrifice, the fish agencies have yet to demonstrate that taking this water away has resulted in any benefits to the fish. People should demand results."

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