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EUROPE  
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MIDDLE EAST AND SOUTH ASIA

September 9, 2009

The Honorable Gary Locke  
Secretary of Commerce  
Department of Commerce  
1401 Constitution Drive, NW  
Washington, DC 20230

Dear Secretary Locke:

California needs water to survive. The urgency of addressing our water supply cannot be understated. My colleagues and I, together with Governor Arnold Schwarzenegger, continue to bring your respective attention to this water crisis, and I am again calling upon your department for immediate action.

As you stated in your recent response to Governor Schwarzenegger with Secretary Salazar, you are fully aware that California is in the midst of its third below average rainfall year. While no one has denied that much of the shortfall is due to poor hydrologic conditions, it is surprising that your response clearly downplays the impact of federal restrictions on deliveries that otherwise would have been sent to Fresno County's Westside growers. At a time when much of the state is receiving at or near normal deliveries, water deliveries by the State Water Project and the federal Central Valley Project to the two-thirds of California's population south of the Delta are respectively only at 40% and 10% of normal. Additionally, the immediate impacts of the smelt biological opinion are contributing to the economic impacts on our Westside. Of equal concern to my constituents is the shadow of the salmon biological opinion looming over future deliveries, thus their future livelihood.

Should present hydrologic conditions persist a fourth, or even a fifth year, the entire State of California will be rationing water. Couple that with an already formidable economic downturn here in the State, and disaster becomes imminent. I appreciate that Interior and Commerce have pledged to proactively address short and long term issues as well as their respective biological opinions, but the tone of your response to the Governor is clearly dismissive and my concern is that the urgency of the situation and the responsibility by your agencies is not fully appreciated.

Your agency has discretion afforded to you under the Endangered Species Act to minimize unnecessary economic hardship. It is apparent there are multiple complex scientific issues related to the Delta region that the biological opinions were never tasked to explore or account for, such as ammonia discharges, non-point source runoff pollutants, predatory species such as

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striped bass, non-native aquatic life competing for the available food supply and multiple unscreened diversions. It is my strong belief that these are significant contributors to the decline of the Delta ecosystem and the species within it. Yet, instead of taking on these real issues, the federal agencies now appear to be retreating behind outdated and rigid bureaucratic processes that dictate fish protection actions one species at a time rather than evaluating the entire ecosystem. In order to formulate responsible public policy, it is imperative that a comprehensive approach be instituted for meaningful restoration and true balanced use. If the pumps were stopped today and never run again, the decline of the endangered species would not abate. A comprehensive approach is needed that respects all water use, for every region of California.

Deputy Secretary Hayes of Interior has acknowledged the contradicting mandates and insufficient coordination between the two biological opinions prepared by the Fish and Wildlife Service on the Delta smelt and by the National Marine Fisheries Service on the salmon. It has also been noted that having the courts making these important determinations is not, and has never been, the best way to balance the water needs of our state. We need forthright action by your respective agency to comprehensively remedy this situation. The fact that there are some thirty lawsuits pending should indicate to you that serious problems exist. I believe that U.S. Fish and Wildlife and the National Marine Fisheries Service need to heed the call of the Department of Water Resources, the Governor of the State of California and water users of the state and federal projects, and initiate a reconsultation.

It is my understanding that Interior and Commerce are in discussion about how to handle the issues being raised. I commend that effort, but ask that the actions being considered be immediate and commensurate with the seriousness of the situation. I remain committed to work with the appropriate agencies to assist in anything I can do to benefit the process. At the end of the day, I have to go back to my constituents who are losing their life's work in their farming operations and see the faces of those workers who otherwise would be producing food for our nation, now standing in food lines to feed their families. No water equals no work. That should be the picture in your mind as you look at balancing the demands of water supply use.

Sincerely,



JIM COSTA  
Member of Congress

Thanks for letter. I would very  
much like to have a meeting on  
these issues.