

**Before the State Water Resources Control Board**

**State of California**

**Public Hearing to Consider Taking an Emergency  
Drought-Related Water Rights Action  
On a petition for Temporary Urgency Change in the  
Sacramento-San Joaquin Delta**

**Scheduled to Commence  
Tuesday, February 17, 2009**

**Statement of Environmental Defense Fund**

The Environmental Defense Fund has reviewed the petition before the State Water Resources Control Board to relax the February Delta Outflow and San Joaquin River Flow objectives.

EDF concurs that project storage in upstream reservoirs is abnormally low, forcing project operators to make difficult decisions. In part the decision is whether to release water in February to provide low salinity habitat for estuarine fish, including the endangered Delta smelt, or to hold it in storage to ensure cold water releases later in the year to protect endangered salmon.

EDF will not make a definitive recommendation on whether to allow the operational changes proposed by the petition.

EDF does, however, recommend that the State Water Resources Control Board require the Department of Water Resources and Bureau of Reclamation to submit, within six months, a long-term operations plan that will ensure that the existing situation does not recur.

The Central Valley Project and State Water Projects should be operated to protect both estuarine species and salmonids, unless hydrologic conditions occur that could not have been reasonably anticipated.

As shown in the testimony of Mr. Spreck Rosekrans, the current drought, while serious, is not without precedent. Many periods in California's hydrologic record have been as dry as or drier than the past few years. The projects have simply failed to adjust to both California's increased population and environmental objectives.

Therefore, EDF recommends the State Water Resources Control Board require the Department of Water Resources and Bureau of Reclamation to establish an operating plan, in cooperation with state and federal fishery agencies, which meets all fish and wildlife requirements, including carryover storage objectives, under the broad range of hydrologic conditions that California has experienced. EDF further recommends that the SWRCB require the projects to comply with its plan and to report annually on such compliance.