

Congress of the United States

Washington, DC 20515

October 20, 2021

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

The Honorable Deb Haaland
Secretary, Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

The Honorable Gina M. Raimondo
Secretary, Department of Commerce
1401 Constitution Ave. NW
Washington, D.C. 20230

Dear Governor Newsom and Secretaries Haaland and Raimondo:

We appreciate your extensive efforts to collaborate with each other on the proposed interim operating plan for the Central Valley Project and the State Water Project recently filed in the *PCFFA v. Raimondo* consolidated litigation. However, it has come to our attention that there has been limited analysis and disclosure of the plan's impacts, and a lack of consultation with affected interests to refine the proposal and mitigate its adverse impacts. We therefore request that you defer implementation of any proposed plan until its effects are more thoroughly analyzed and options to reduce its impacts are carefully vetted in discussions with interested parties. We believe this effort could be completed before the start of the winter operations season in January.

The environmental plaintiffs and the water agency defendant-intervenors in the *PCFFA v. Raimondo* litigation have nearly diametrically opposed views on how the state and federal water projects should be managed. Yet their recent status reports in the litigation are in complete agreement that they have been provided neither information on the effects of the proposed plan, nor analysis of how it will comply with relevant legal standards. Unfortunately, the parties were given very little time to review and comment on the draft plan, with no supporting analysis provided to evaluate it until the Court required the Federal defendants to release such analysis in its October 15, 2021 order.

There are critically important questions that we urge your agencies to reevaluate following informed discussion with affected interests, including:

- whether the proposed changes are necessary to adequately protect the listed fish species, compared to actions under the 2019 Biological Opinions;
- whether alternatives, including non-flow actions that may provide equal or greater protection for those species, should be part of the proposal;
- whether greater flexibility to adapt to real-time information, which has become much more available over the past decade, could avoid jeopardizing fish while reducing hardships to multiple interests that depend on water supply; and
- how to address likely second-order effects of the proposal, including limited availability of water from other reservoirs besides Shasta for critically needed purposes and effects on other species.

While we commend you on reaching agreement in this matter, there is simply too much at stake to rush this plan. The actions taken by your agencies will affect millions of people and more than two-million acres of farmland and wildlife in California. We recognize that navigating the drought is extremely challenging, and appreciate the dedication of you and your staff to make the best of a very difficult situation. Going forward, we urge you to take the two months before the start of the winter operations season in January to engage with stakeholders and develop a more fully informed analysis of a revised interim operations proposal.

Sincerely,



Dianne Feinstein
United States Senator



John Garamendi
United States Representative



Jim Costa
United States Representative



Josh Harder
United States Representative

cc: Secretary Wade Crowfoot
Secretary Jared Blumenfeld