

Congress of the United States
Washington, DC 20515

The Honorable Gale Norton
Secretary of the Interior
1849 C Street, N.W.
Washington DC 20240

The Honorable Michael Chrisman
Secretary for Resources
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

May 12, 2005

Dear Secretary Norton and Secretary Chrisman:

The goal of California water policy for over a decade has been to put "policy before plumbing"; in order to ensure financial and environmental viability, that is, we must develop sound policy before multi-billion dollar investments are made. But the present Delta ecosystem crisis strongly suggests that current policy is as deeply troubled as the Delta itself, putting those investments at risk.

Disclosure of an "ongoing crisis" in the health of the Sacramento-San Joaquin Delta necessitates an immediate and comprehensive response by state and federal officials.¹ Reports indicate that the Delta's fish populations up and down the food chain are "mysteriously collapsing," including threatened delta smelt, young striped bass, threadfin shad, and copepods. In addition to impacts on commercial fisheries, the decline of the fish populations of the San Francisco Bay and Delta region – the West Coast's largest estuary – could cascade into serious economic consequences throughout California.

Congress passed the CalFed bill last year for the express purpose of providing federal funding to achieve compromises among water users, environmental needs, and the concerns of other stakeholders. Any number of actions affecting the Bay and Delta have been allowed to go forward with the assumption that those actions could coexist with a recovering ecosystem and improved fish populations. If such assumptions are no longer operational, we may need to rethink those actions.

We are deeply troubled that the agencies under your watch did not provide Congress with any timely warning of this problem, although data were evidently available for some time indicating that species were in decline. Press accounts indicate a great deal of uncertainty as to your agencies' understanding of the causes of this crisis, or what you intend to do in response. An official from the Metropolitan Water District is quoted in one article as saying that "it's quite

¹"Environmental sirens in Delta are screaming." Contra Costa Times. May 1, 2005.

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apparent that we don't know what's going on in the Delta.” Such observations do not generate a great deal of confidence in the operations of your departments or in CalFed itself.

When did your agencies first become aware of this crisis? Please provide all relevant communication that would explain why this story was first made public by the press, rather than through official communications.


What steps have you taken to date? Press accounts seem to indicate that official actions have not reflected these significant scientific concerns. Please provide documentation of any actions taken in response to the data showing the declines in the Delta's fish populations. Your response should include internal and intra-agency communications, as well as any communications between your agency and water users, their representatives, and other stakeholders.

Given the substantial state and federal financial investments in the CalFed program, it is incumbent on you to demonstrate that you are responding appropriately to the potential of an ecological disaster, not only through the CalFed process but under other statutory authorities, including the Endangered Species Act, the Central Valley Project Improvement Act, and the Clean Water Act.

As the relevant House Appropriations bills are likely to be under consideration by the end of this month, please provide your responses before May 23, 2005.

Sincerely,


GEORGE MILLER, M.C.


NANCY PELOSI, M.C.


ELLEN O. TAUSCHER, M.C.


GRACE F. NAPOLITANO, M.C.


MIKE THOMPSON, M.C.


HENRY WAXMAN, M.C.

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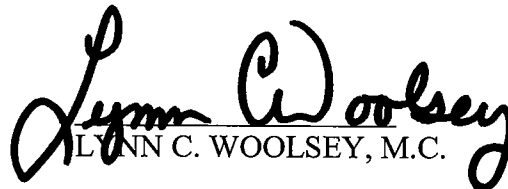

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CC:
Director Patrick Wright, California Bay-Delta Authority
Commissioner John Keys, Bureau of Reclamation
Director Lester Snow, Department of Water Resources
Director L. Ryan Broddrick, Department of Fish and Game
Acting Director Matthew Hogan, US Fish & Wildlife Service
California Congressional Delegation
Senator Sheila Kuehl
Senator Michael Machado
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Association of California Water Agencies