

**Congress of the United States**  
**Washington, DC 20515**

April 7, 2020

The Honorable Gavin Newsom  
Governor  
State of California  
1303 10th Street, Suite 1173  
Sacramento, California 95814

Dear Governor Newsom:

We write to express our disappointment and serious concerns with the new Incidental Take Permit (ITP) for the Long-Term Operation of the State Water Project that your administration recently issued. This unprecedented action threatens to send the operations of the State Water Project (SWP) and the Federal Central Valley Project (CVP) into a downward spiral of conflict, confusion, and litigation. It also virtually eliminates the possibility of finding a lasting peace to California's never-ending water wars and effectively kills negotiations on Voluntary Agreements

We need cooperative and coordinated operations of the SWP and CVP to ensure that the cities, communities, and farms that depend on a reliable water supply receive the water they need and can grow the food that feeds our nation and the world. During the current COVID-19 pandemic, urban water districts are working hard to make sure Californians know their water supplies are plentiful and safe to drink, and agricultural producers are doing the same to ensure people know their food supply is safe and available at their local grocery store. Your decision to reduce water supplies through the State's new ITP for urban water providers and agricultural producers in the Central Valley, southern California, and the Silicon Valley undercuts those efforts.

For decades the State of California agreed to operate the SWP consistent with the CVP based on Federal operations plans and environmental protections issued by the U.S. Department of the Interior and the U.S. Department of Commerce. Given the serious health, safety, and economic concerns our constituents are facing due to the pandemic, and the fact that the 2019 Federal Biological Opinions were developed using the best available science and latest data to ensure both the CVP and SWP could be adaptively managed to meet the needs of people and the environment, the timing and judgement of the State's decision on the new ITP is even more baffling.

We believe State Water Contractors summarized the concerns well in their statement of opposition to the ITP. Among other things, they stated the ITP "fails to incorporate the best available science, burdens ratepayers with obligations far exceeding the impacts of water operations and will make compliance with the Sustainable Groundwater Management Act and climate change adaptation more difficult." The burdens they described mirror our constituents' concerns and fears about the State's new ITP.

We strongly believe that actions taken to protect both State and Federally listed species in the Sacramento-San Joaquin River Delta and surrounding ecosystem must be based on the best science. However, on November 21, 2019, the California Department of Water Resources (DWR) stated its intent to refrain from seeking "to increase SWP exports" in its application to

the California Department of Fish and Wildlife (DFW) for an incidental take permit. This demonstrates that DWR, DFW, and your administration never intended to follow the best science if it ultimately allowed increased exports on the SWP. Notably, the State's new ITP goes even further than the status quo by limiting SWP exports to an arbitrary amount of water.

To ensure the State's long-term water resilience and ecosystem health and with the best interests of our constituents in mind, we request that the State of California drop its recently filed litigation against the 2019 Federal Biological Opinions and issue a consistency determination under the California Endangered Species Act so the SWP and CVP can operate in a coordinated manner, as they have for decades. Without these actions, finalizing the Voluntary Agreements will likely be impossible and precludes the coordinated operation of the SWP and CVP in a way that would ensure the people of California have access to the water they need.

Thank you for your attention to this important issue. We look forward to your response.

Sincerely,



KEVIN McCARTHY  
House Republican Leader



DEVIN NUNES  
Member of Congress



KEN CALVERT  
Member of Congress



TOM McCLINTOCK  
Member of Congress



DOUG LAMALFA  
Member of Congress



PAUL COOK  
Member of Congress