

## Signatories

Association of California Water Agencies  
*Timothy Quinn, Executive Director*

Byron Bethany Irrigation District  
*Rick Gilmore, General Manager*

California Farm Bureau Federation  
*Paul Wenger, President*

California Farm Water Coalition  
*Mike Wade, Executive Director*

Central California Irrigation District  
*Christopher White, General Manager*

Central Valley Project Water Association  
*Larry Bauman, Executive Director*

Del Puerto Water District  
*Anthea Hansen, General Manager*

Family Farm Alliance  
*Dan Keppen, Executive Director*

Friant North Authority  
*Douglas Welch, Interim Executive Officer*

Friant Water Authority  
*Jason Phillips, CEO*

Northern California Water Association  
*David Guy, President*

Orange Cove Irrigation District  
*Fergus Morrissey, General Manager*

San Joaquin River Exchange Contractors  
Water Authority  
*Steve Chedester, Executive Director*

San Luis & Delta-Mendota  
Water Authority  
*Jason Peltier, Executive Director*

South Valley Water Association  
*Dan Vink, Executive Director*

State Water Contractors  
*Terry Erlewine, General Manager*

Tehama-Colusa Canal Authority  
*Jeff Sutton, General Manager*

Tulare Lake Basin Water Storage District  
*Mark Gilkey, General Manager*

Western Canal Water District  
*Ted Trimble, General Manager & Secretary*

Western Growers Association  
*Dennis Nuxoll  
Vice President of Federal Government Affairs*

Westlands Water District  
*Tom Birmingham, General Manager*

March 1, 2017

The Honorable Wilbur Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, D.C. 20230

Dear Secretary Ross:

We wish to congratulate you on your confirmation as Secretary of Commerce and we look forward to working with you in your new position. Unfortunately, we write today to express our grave concerns with a February 24, 2017 letter from the National Marine Fishery Services (NMFS) regarding flows at Oroville Dam.

As you know, on February 12 more than 180,000 people on the east side of the Sacramento Valley were ordered to evacuate due to concerns that Oroville Dam's emergency spillway could fail. With no advance warning, families fled for their lives. In the weeks following the evacuation, an incredible state and local effort has coalesced to stabilize the dam. Work has been underway around the clock, because protecting public safety is the immediate responsibility of state and local leaders. Many of these families have already had to evacuate their homes and businesses once. They should not be forced to do it again.

Against this stark backdrop, NMFS seeks to jeopardize the State's work by imposing unworkable, costly and unsafe fishery demands before the needs of the people of Butte, Yuba, and Sutter Counties. The NMFS letter contains lengthy "recommendations" as well as an "invitation" to engage in Section 7 Consultation under the Endangered Species Act (ESA) prior to making emergency repairs.

We collectively represent organizations and public agencies that provide water supplies to millions of Californians, industry and the most productive farmland in the country. While many of those we represent rely upon water stored behind Oroville

Dam and/or the critical flood protection it provides, others of our members are concerned about the seemingly callous regard that the NMFS letter shows for human safety, or any other need that falls outside their focus on fish.

In its letter, NMFS lists twelve recommendations it believes would “minimize the effects” to fish and habitat downstream. These recommendations include reducing flows only at night, putting boats and people in the river to look for stranded fish, detailed instructions on sealing dead fish in plastic bags, taking pictures and freezing the large fish as soon as possible and deploying as many people as possible to “respond to fish stranding.” Although couched as “recommendations”, these steps come with an implied threat of further regulatory action if not followed.

The 180,000 people who were evacuated from their homes for more than a week, and the people of California in general, would prefer DWR deploy as many people as possible to address the safety and operational issues at the dam instead of conducting “fish rescues”.

The State of California is experiencing historic rainfall amounts this year and reservoirs are brimming at or above capacity. No fish in California is lacking for water right now. Meanwhile, water agencies are having obvious and well-documented challenges in safely managing this torrent of water, and protecting communities against the threat of flooding that comes with it. By sending this letter now and suggesting repair work on the Oroville Dam spillway not move expeditiously, NMFS is acting completely unreasonable. Further, this situation illustrates the ongoing frustration we have with an agency of the Commerce Department that is tone deaf to anything other than a myopic protection of species by any means necessary without regard for human impact.

Cutting off flows from the flood control spillway for several days will enable the removal of debris to safeguard and eventually reoperate the Hyatt Power Plant. More importantly, once operational, the Hyatt Power Plant will allow DWR to better manage reservoir levels through the remaining spring runoff season. This is a critical aspect to ensuring the safety of those downstream of the dam on the Feather River.

This letter from NMFS, while undoubtedly well intended, was not well thought out. Unfortunately, it highlights the ongoing challenge of NMFS playing an appropriate role in the operation of a complex water system in the State of California; a system that must balance the needs of people, species, and various industries, while always putting human health and safety first.

Unfortunately, this letter is just the latest example of how NMFS is not helpful in working with other agencies in the State of California to manage the competing water supply needs. At a time when cooperation and flexibility are needed to accomplish a variety of economic, safety, infrastructure and biological needs, NMFS has chosen to throw up roadblocks instead.

We respectfully ask for your assistance in ensuring that the Federal agencies work collaboratively with the state and the water agencies to ensure proper management of our natural resources.

In August of 2016, the Obama Administration, and the State of California triggered the process for reconsultation under the Biological Opinions that are currently in place for the operation of the Central Valley and State Water Project. The water agencies in California are prepared to work in good faith with the Departments of Commerce and Interior to complete new biological opinions. For that to be a successful effort, the Trump Administration should pursue a different approach than described by NMFS in this letter.

Furthermore, as the Trump Administration works to advance its infrastructure objectives, it will be important to have all State and Federal agencies aligned and working together. If we learn one lesson from this winter's historic storms in the West, it should be that we must do everything possible to store today's water for use tomorrow. Creating additional roadblocks by sending letters that recommend jumping through multiple hoops at a critical time when safety should be the top priority, is not a good example of an agency intending to be helpful and does not bode well for a good outcome on reconsultation.

A follow-up letter to FERC from NMFS (dated February 28, 2017) has not diminished our concerns about the initial letter, which so clearly illustrated the approach your agency takes to all matters related to balancing human and environmental needs.

Mr. Secretary, we ask that you follow Governor Brown's lead in suspending the application of CEQA to repair work at Oroville Dam by exempting from the Endangered Species Act and the National Environmental Policy Act all repair work at the Dam, the spillways, and other facilities damaged during the February 2017 storm events, for the duration of this work.

Again, we congratulate you on your appointment and confirmation and look forward to working with you and your team. If you have any questions about this matter, please do not hesitate to contact Dan Keppen at (541)-892-6244.

Sincerely,



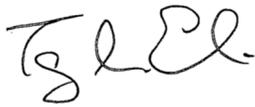
Larry Bauman, Executive Director  
Central Valley Project Water Association



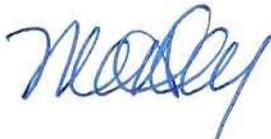
Tom Birmingham, General Manager  
Westlands Water District



Steve Chedester, Executive Director  
San Joaquin River Exchange Contractors Water Authority



Terry Erlewine, General Manager  
State Water Contractors



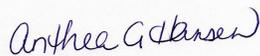
Mark Gilkey, General Manager  
Tulare Lake Basin Water Storage District



Rick Gilmore, General Manager  
Byron Bethany Irrigation District



David Guy, President  
Northern California Water Association



Anthea Hansen, General Manager  
Del Puerto Water District



Dan Keppen, Executive Director  
Family Farm Alliance



Fergus Morrisey, General Manager  
Orange Cove Irrigation District



Dennis Nuxoll, Vice President of Federal Government Affairs  
Western Growers Association



Jason Peltier, Executive Director  
San Luis & Delta-Mendota Water Authority



Jason Phillips, CEO  
Friant Water Authority



Timothy Quinn, Executive Director  
Association of California Water Agencies



Jeff Sutton, General Manager  
Tehama-Colusa Canal Authority



Ted Trimble, General Manager & Secretary  
Western Canal Water District



Dan Vink, Executive Director  
South Valley Water Association



Mike Wade, Executive Director  
California Farm Water Coalition



Douglas Welch, Interim Executive Officer  
Friant North Authority



Paul Wenger, President  
California Farm Bureau Federation



Christopher White, General Manager  
Central California Irrigation District

cc: The Honorable Ryan Zinke, Secretary, U.S. Department of the Interior