

Congress of the United States
Washington, DC 20515

May 6, 2020

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

Dear Governor Newsom:

On April 7, 2020, we sent you a letter requesting that your Administration withdraw its lawsuit against the recently finalized Federal biological opinions and issue a consistency determination under the California Endangered Species Act so the State Water Project (SWP) and Federal Central Valley Project (CVP) can be operated in a coordinated manner, as they have for decades prior. Unfortunately, not only have we not received a response to our letter, but your Administration is now doubling down on its ill-conceived course of action by seeking a preliminary injunction to halt implementation of the new Federal biological opinions and to apply the California Endangered Species Act to operations of the CVP.

The preliminary injunction that your Administration is pursuing, if successful, will deny tens of millions of Californians, including those who live in the San Francisco Bay Area, Los Angeles, the Inland Empire, and San Diego, the water they depend on to live and thrive. If successful it will also deny the water needed to keep the fertile San Joaquin Valley producing the agricultural products that we all eat, ultimately jeopardizing a keystone in our nation's food supply. While our constituents battle the novel coronavirus and psychological strain of the stay at home order, the last thing they should be worried about is not receiving the water they contract and pay for because of your Administration's actions.

In your February letter to U.S. Interior Secretary David Bernhardt, you recognize that our constituents "face major water constraints" and to find solutions "our water users rely on us to work together to reliably provide water." You conclude by sharing your "commitment to staying engaged and working to find a shared path forward." Yet, it is our understanding that your Administration ignored proposals from SWP contractors designed to address the State's concerns with the new Federal biological opinions and that there has been no substantive dialogue with the Federal government since mid-February, when your Administration filed suit against the United States, regarding the State's concerns with the new biological opinions.

On the one hand, you pledge to work with the Federal government to find commonsense solutions to California water issues. Yet on the other hand, you allow your Administration to immediately file litigation against the very entity you have pledged to work with to find common ground. Make no mistake – if your Administration is successful with its motion for a preliminary injunction this week, it will have singlehandedly undone years of work – started by the Obama Administration – to bring new science and data to bear on California water policy

decision-making that will directly adversely impact the Californians we all represent by denying them the water they need.

It is not too late to stop this ill-advised course of action. It is not too late to protect the water supply and economic vitality of our State. It is not too late to base actions to protect fish on the best scientific data available. It is not too late to fulfill your pledge to work together with the Federal government on water policy for the benefit of all Californians, including cities, farms, and the environment.

Accordingly, we again call on you to drop your Administration's pending litigation, including the motion for a preliminary injunction, against the new Federal biological opinions in order to "turn the page on old binaries," as two of your cabinet members said last November, and to issue a consistency determination for the SWP so the SWP and CVP can once again be operated in harmony to fulfill our State's water needs. Without changing course, your Administration's actions will ensure years of litigation and water supply uncertainty.

Thank you for your attention to this important and timely issue.

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