



SEP 03 2009

The Honorable Arnold Schwarzenegger
Governor of California
Sacramento, CA 95814

Dear Governor Schwarzenegger:

We are responding to your letter of September 1, 2009, regarding the California water situation, which claims that environmental protections mandated by Federal law have caused the water shortages in the Central Valley of California. You have requested "re-consultation" regarding the scientific determinations that the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) have made to prevent the extinction of salmon and delta smelt in California.


We are acutely aware of the water crisis that California is facing, and we have been working with you and your team to help address this serious situation. California is in the third year of a severe drought. Although your letter suggests that the water shortage is due to scientific judgments made by the Federal Government, the State's own water experts have stated publicly that approximately 1.6 million acre-feet of the shortfall felt by the State and Federal water projects is due solely to the drought. As for the impact associated with environmental restrictions (approximately .5 million acre-feet), the Delta Vision Task Force that you commissioned concluded that the entire Bay Delta ecosystem is in a state of collapse, and environmental indicators of all types (water quality, invasive species, climate change impacts, etc.) indicate that California's water infrastructure is inadequate, and that the status quo is unsustainable. Given these facts, we are disappointed that your letter would attempt to lay the California water crisis at the feet of agency scientists.

With regard to your request for "re-consultation" of the FWS and NMFS scientific determinations, the law allows for re-consultation only where new scientific information has become available which indicates that important environmental impacts on affected species or habitat were not fully considered, or where infrastructure or operational changes are occurring which may have impacts on the species or habitat that were not considered in the opinions. The FWS and NMFS determinations were completed within the last 12 months, and we are not aware of new scientific information or infrastructure or operational changes that would allow for a "re-consultation." The Obama Administration is fully committed to the integrity of the scientific process, however, and we are actively exploring options to provide additional, independent scientific reviews to complement the independent reviews that the biological opinions already have received, and to address related scientific issues associated with the continuing decline of the Bay Delta ecosystem.

In addition, the Administration has been working with your team to address the short-term impacts that the drought is having on California. The Bureau of Reclamation, for example, has approved nearly \$400 million in Recovery Act projects directed at California water issues, including water recycling and reuse projects, water use efficiency projects, and emergency projects directed at supplementing water supplies in the San Joaquin Valley. We also have helped arrange for more than 600,000 acre-feet of voluntary water transfers to get water where it is needed most. Just as importantly, since taking office, the Obama Administration has been working with your team to address the systemic infrastructure shortcomings that plague California's water system.

We have embraced your Delta Vision Task Force's recommendation that California pursue a reliable water supply and environmental restoration of the Bay Delta as co-equal goals. We are hopeful that the current efforts that you and the State legislature are making to pass legislation to chart a sustainable water future for California will be successful. You can be assured that the Federal Government will be a full partner to help implement any comprehensive plan that the State enacts into law. We look forward to continuing to work closely with you to tackle California's water challenges and to bring help to the people who are most affected by the ongoing drought.

Sincerely,



Ken Salazar
Secretary of the Interior



Gary Locke
Secretary of Commerce