

**DEPARTMENT OF WATER RESOURCES**

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September 28, 2009

Honorable Dianne Feinstein  
United States Senator  
331 Hart Senate Office Building  
Washington DC 20510-5054

Dear Senator Feinstein:

The recent attempt in the U.S. Senate to essentially block implementation of the Biological Opinions (BOs) issued by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) to protect threatened species in the Delta has caused major concerns for those working hard to address California's water issues in a balanced and comprehensive manner.

As you are aware, the California Department of Water Resources (DWR) and the state of California have expressed concerns over some of the provisions within these two BOs. While it is our intent to continue to work with the U.S. Department of Interior (DOI) and the Department of Commerce (DOC) to resolve these differences, it is important to express our strong opposition to any effort to set aside, suspend, or otherwise weaken the Environmental Species Act (ESA). Such attempts are short sighted and distract from our effort to comprehensively address the complex resource issues of the Bay Delta system.

The state is committed to working with stakeholders and our federal partners in the Bay Delta Conservation Plan (BDCP) process to achieve the co-equal goals of a healthy ecosystem and a reliable water supply. Weakening or suspending ESA does not contribute to this effort.

DWR will continue its efforts to work with DOI and DOC to improve the effectiveness and efficiency of the BOs.

The state of California greatly appreciates your continued leadership on water resource issues.

Sincerely

A handwritten signature in black ink, appearing to read "Lester A. Show", with a long horizontal flourish extending to the right.

Lester A. Show  
Director

cc: Secretary Salazar  
Secretary Locke