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CALIFORNIA COASTKEEPER ALLIANCE FILES SUIT TO FORCE STATE TO ACCOUNT FOR WATER IN RIVERS AND STREAMS

Lawsuit Would Compel Department of Fish and Game to Report on Needed Water Flows

San Francisco, CA. The California Coastkeeper Alliance (CCKA), a coalition of 12 Waterkeeper groups spanning the coast from the Oregon border to San Diego, today filed a lawsuit against the Department of Fish and Game in Sacramento Superior Court. The lawsuit would compel the Department of Fish and Game (DFG) to follow the law and report on the minimum water flows needed to maintain river and stream health around the state. Though DFG has been required to comply with this law for 25 years, and has collected over 15 years worth of water rights permit fees through the State Water Resources Control Board to help pay for it, DFG has taken virtually no action to comply with the law.

The water in California's rivers and streams has been over-allocated and over-diverted to the point that natural ecosystems are collapsing. Despite this, the State Water Board still receives up to hundreds of water rights permit applications each year requesting even more water diversions, changes in existing appropriations, and transfers of existing water rights. The State Water Board has before them now over 500 water rights applications and over 500 petitions to amend existing water rights. Yet issuance of these water rights permits is done with virtually no information on the minimum water levels needed to protect the health of key rivers and streams. In the 25 years since the enactment of these statutes, DFG has reported minimum flow needs for only a few creeks and rivers, and transmitted at most a handful of these proposed stream flow requirements to the State Water Board. In fact, while still collecting \$850 from each water rights permit application for flow studies, DFG de-staffed the program entirely in 2003, and eliminated in 2005. The ongoing failure to incorporate needed water flows into the water rights permit process has contributed to the over-appropriation of water in rivers and streams, and the demise of aquatic species such as Coho and Chinook salmon and steelhead trout.

"California's rivers and streams continue to be channeled, diked, diverted and filled despite almost no information on how much water is needed to keep them even minimally healthy," stated Linda Sheehan, Executive Director of CCKA. "DFG's decades of hiding from the problem has not made it go away. DFG must follow the law and tell the State Water Board how much water to leave back when making allocation decisions."

"DFG has ignored the basic tenet that 'fish gotta swim'," said Zeke Grader, Executive Director of the Pacific Coast Federation of Fishermen's Associations. "Without adequate water for fish in our rivers and streams, family fishermen who put fresh local salmon on California's tables will be out of business for good."

"DFG's inability or unwillingness to comply with the clear requirements of the law is one of the most blatant examples of bureaucratic failure I have seen in my professional career," added Daniel Cooper of Lawyers for Clean Water, attorney for CCKA. "Further, DFG's elimination of the program, while still collecting fees to fund it, violates the most elemental principles of good government."

The California Coastkeeper Alliance provides a statewide voice for safeguarding California's waters, and its world-renowned coast and ocean, for the benefit of all Californians. Member organizations are Klamath Riverkeeper, Humboldt Baykeeper, Russian Riverkeeper, San Francisco Baykeeper, Monterey Coastkeeper, San Luis Obispo Coastkeeper, Santa Barbara Channelkeeper, Ventura County Coastkeeper, Santa Monica Baykeeper, Orange County Coastkeeper and its Inland Empire Waterkeeper chapter, and San Diego Baykeeper. See www.cacoastkeeper.org.