



## PACIFIC LEGAL FOUNDATION

June 26, 2009

The Honorable Barack H. Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

California's San Joaquin Valley, one of our nation's most important sources of home-grown food, faces economic and social devastation due in large measure to the application of the federal Endangered Species Act. Family farmers, farm workers, and rural communities — already reeling from the grave recession — have been pushed to the brink by a regulatory drought. Water flows through the Central Valley Project and the State Water Project that support food production, jobs, and the lifeblood of rural towns have been severely squeezed for the benefit of fish species like the Delta smelt.

Last week, Pacific Legal Foundation (PLF) requested California Governor Arnold Schwarzenegger to formally petition your Administration for much needed relief from the Endangered Species Act (ESA). Specifically, PLF urged Governor Schwarzenegger to file a petition under the ESA with your Secretary of the Interior, Kenneth Salazar, to convene the Endangered Species Committee, also known as the "God Squad." The Endangered Species Committee exemption process recognizes that, although environmental protection is good, it is not the highest good. People come first. The growing crisis in California is precisely what Congress had in mind when this provision of the law was added in 1978. If convened, the Endangered Species Committee would be able to exempt the long-term operation of the Central Valley Project and the State Water Project from the devastating effects of the ESA's enforcement. It's the prudent and right thing to do.

Without relief from the God Squad, the harsh enforcement of a rigid law will only inflict more pain and suffering in a state that is already enduring its worst unemployment in more than 60 years. It makes no sense to make people second-class citizens to fish species at a time when we need jobs and domestically grown food. The San Joaquin Valley contains some of the world's most fertile farmland and its best farmers. Agricultural production in the San Joaquin Valley supports 427,000 jobs (26.9% of the region's jobs), generates \$10 billion in labor income (18.1% of the region's share), and creates \$16.8 billion in value added (20.3% of the region's share). Because San Joaquin Valley farms are a major source of dozens of fruit, vegetable, and nut crops, the region is critically important to America's food security. The federal government should therefore be *encouraging* agricultural production in California, not depriving it of its lifeblood of water.

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The economic and social pain flowing from the government pumps is rooted in two biological opinions issued by federal agencies. The first was for the Delta smelt, a small minnow. The second biological opinion was rendered for Chinook, steelhead, green sturgeon, and killer whale populations. In giving more water to fish and whales, the federal government is sucking the very life out of farming communities in the San Joaquin Valley and cities in Southern California. It also undermines America's food security.

Adding insult to the economic misery already occurring, a provision of second biological opinion requires the United States Bureau of Reclamation and California's Department of Water Resources to pay for billion-dollar fish ladders and other structural changes to existing Central Valley Project and State Water Project facilities. Not only are these measures economically infeasible, they promise to push California's economy over the brink.

The clock is ticking to avert this disaster. PLF has asked Governor Schwarzenegger to use his authority to petition your Administration for an exemption. The deadline for submitting a petition is September 2, 2009. We respectfully request your support in urging Secretary Salazar to act quickly on a petition from Governor Schwarzenegger.

An exemption from the federal government's "fish-first, people-last" policy is of the utmost importance because, as Governor Schwarzenegger has remarked, the latest biological opinion "puts fish above the needs of millions of Californians and the health and security of the world's eighth-largest economy." PLF urges your support of Secretary Salazar to convene the Endangered Species Committee. The well-being of California's economy and the food source for millions of Americans depend on it.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Rivett". The signature is fluid and cursive, with a large initial "R" and a distinct "L" at the end.

ROBIN L. RIVETT  
President