



Merced Irrigation District will pursue legal action against Bay Delta Plan SED

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Today, the Merced Irrigation District Board of Directors provided direction in closed session to pursue legal action against the State's recently adopted Bay Delta Water Quality Control Plan and Substitute Environmental Document.

The Bay-Delta Plan SED was adopted in Sacramento on December 12. It intends to divert up to half the water flowing down the Merced River away from Lake McClure and instead send it north into the Bay-Delta. The Bay-Delta is the state's water hub, providing fresh water to large parts of the Bay Area, Southern California and some parts of the San Joaquin Valley. The purported intent of the plan is to increase salmon populations and address water quality in the Bay-Delta.

Today, the Merced Irrigation District Board of Directors stated its intent to aggressively fight the Bay Delta Plan SED in court, and gave staff direction to file the appropriate legal complaints.

"This plan is illegal and it is not scientifically sound. It relies on outdated data and false premises," said MID General Manager John Sweigard. "The State Water Board has put our entire region's survivability at risk. Under this plan, unnecessary, devastating – and avoidable – harm will be forced on our domestic and agricultural water supply, and our local economy. And it does almost nothing to improve conditions or habitat for fish.

"It is our belief the State Water Board lacks legal authority to modify water rights through the Water Quality Control Plan; has violated our due process rights and failed to meet requirements of the California Environmental Quality Act. The Bay Delta Plan SED also violates provisions of the Sustainable Groundwater Management Act. It fails to recognize our beneficial uses of water and ignores the state's own water rights priority system."

Merced Irrigation District owns and operates Lake McClure. The reservoir is located in the Sierra Nevada foothills. The reservoir provides local water supply to eastern Merced County, flood control, hydroelectric generation and water for the local environment.

Located in eastern Merced County, Merced Irrigation District is one of oldest irrigation districts in the state. It provides water to about 2,200 growers, the vast majority of which are small generational family farms with fewer than 50 acres.

The Bay Delta Plan SED would divert up to half the water flowing into Lake McClure and send it north to the Bay Delta. The purported intent of the plan is to increase salmon populations and address water quality in the Bay-Delta.

Said Sweigard:

“The people in our community didn’t convert the Bay-Delta floodplain into farms and cities. It was not our community that planted and still support non-native predatory bass in the Bay Delta. It is not our community that is polluting the Delta. And it certainly is not our community pumping fresh water out of the Bay Delta. These are Delta problems that have been approved by the state – period. They need to be addressed in the Delta and they need to be addressed with real solutions – not by simply stealing the water from a disadvantaged community in the San Joaquin Valley.”

“With regard to salmon, we have advocated a reasonable comprehensive alternative to the state’s water theft. Our proposal is consistent with what Governor Jerry Brown and Governor-Elect Gavin Newsom had requested from water rights holders earlier this year. The State Water Board decided it was not enough – they want more water.”

In 2016, the Merced River S.A.F.E. Plan (Salmon, Agriculture, Flows, and Environment) was unveiled by Merced Irrigation District. The S.A.F.E Plan would have called for immediate water releases on the Merced River at key times benefitting the salmon lifecycle; restored 5.5 miles of salmon-rearing habitat destroyed generations ago by dredge gold mining; addressed predation from non-native bass; and made investments in the Merced River Salmon Hatchery to increase salmon production.

“For a number of reasons, the state’s Bay-Delta Plan SED will fail to meet its own objectives,” said Sweigard. “This is a blatant and arrogant violation of California and federal law and our community’s rights. We will take every step possible to prevent this egregious and short-sighted plan from simply stealing half our community’s water supply.”

According to the Bay-Delta Plan SED, the water diversions from the Merced, Tuolumne and Stanislaus rivers would result in an annual increase in salmon ranging from just **2,059** to **7,637**. In comparison, an average of **169,400** salmon were caught in California between 2012 and 2016, according to the California Department of Fish and Wildlife.

Under an independent study of the economic impacts of the Bay-Delta Plan, nearly \$1 billion in local economic activity would be disrupted. There would be a loss of up to \$231 million in economic output and up to 970 jobs would be lost in Merced County’s already disadvantaged communities.

The State Water Resources Control Board held one community meeting in Merced County to discuss the Bay Delta Plan SED. It was held almost exactly two years ago, six days before Christmas.

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